# THE FUNDAMENTAL RULES AND THE SUBSIDIARY RULES

OF THE

# MADRAS GOVERNMENT

CORRECTED UP TO
31ST MARCH
1956

**NINTH ISSUE**

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GOVERNMENT OF MADRAS
1960

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# PREFACE

This volume contains the Fundamental Rules made by the Secretary of State in Council in 1922 under Section 96-B of the Government of India Act, 1919, to regulate the conditions of service of the Civil Services in India in regard to pay, allowances, leave, joining time, foreign service, etc.

2. Under the Fundamental Rules, a State Government may make rules modifying or replacing any of the Fundamental Rules in relation to services under its administrative control provided that the interests of the existing members of services are protected and that the new rules so made give no concessions which are not covered either by the Fundamental Rules or by the latest version of the Civil Service Regulations. The subsidiary rules and instructions so framed by the Government of Madras are also embodied in this volume in their appropriate places under the main rules.

3. With the coming into force of the new Constitution of India on 26th January 1950, the Fundamental Rules made by the Secretary of State or the Governor-General in Council will have to be altered to be in consonance with the new constitutional set-up. Pending revision of the Fundamental Rules by the Government of India in this respect, it has been decided to leave the said rules as they are for the present.

4. The various orders, interpretations and audit instructions issued by the Government of India, the State Government, the Comptroller and Auditor-General of India and the Accountant-General, Madras, pertaining to Fundamental Rules were hitherto embodied by the Accountant-General among other things in a separate publication called the Audit Manual. The Accountant-General reported in

February 1950 that as the publication of the Audit Manual was intended mainly for the guidance of departmental officers of the Madras Government in applying the various financial rules in their day-to-day work, the responsibility for the incorporation of these rulings and orders either in a separate compilation of their own or under the relevant set of rules should rest with the Government. He also suggested that necessary action might be taken in this behalf early, as the Manual was last revised in 1936. The Government accepted both the suggestions of the Accountant-General and have accordingly revised and reprinted the Fundamental Rules incorporating all the rulings in the Audit Manual. The rulings which have become obsolete have been deleted.

Terms like 'Local Government', 'Governor in Council', 'Provincial Government' have been suitably altered to be in accord with the provisions of the new Constitution. In other respects the general arrangement of the Book has not been disturbed and the numbering of the rules has been retained.

5. Any errors or omissions found in this volume may be brought to the notice of the Secretary to the Government, Finance Department.

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# THE FUNDAMENTAL RULES AND THE SUBSIDIARY RULES THERETO FRAMED BY THE GOVERNMENT OF MADRAS

N.B.—*Rules or amendments to rules printed in italics are issued by the Government of Madras under the powers delegated to them in the Civil Services (Governors' Provinces) Delegation Rules, 1926, and the Civil Services (Classification, Control and Appeal) Rules, 1930, and have effect only as regards State and Subordinate Services and Officers holding special posts under the administrative control of the Madras Government.*

## PART I.

## CHAPTER I—EXTENT OF APPLICATION.

**1.** These rules may be called the Fundamental Rules. They shall come into force with effect from the 1st January 1922.

### RULING.

The President of the Republic of India and the State Government of any Governor's State may, by general or special orders, permit deviations from any provisions of a purely procedural nature contained in any rules made or confirmed under Article 309 of the Constitution of India: provided that such deviations shall not affect the conditions of service, the pay and allowances or the pensions of officers subject to the rule-making control of the President of the Republic of India.

**2.** (1) The Fundamental Rules apply, subject to the provisions of rule 3, to all Government servants whose pay is debitable to civil estimates in India, and to any other class of Government servants in India to which the Secretary of State in Council may by general or special order declare them to be applicable. In relation to services, under its administrative control, other than all-India services, a local Government may make rules modifying or replacing any of the Fundamental Rules; provided that—

(*a*) no such rule shall adversely affect any person who is in Government service at the time when the Fundamental Rules come into force, and

(*b*) any such rule which grants any privilege or concession not admissible under the terms of the Fundamental Rules, or of the Civil Service Regulations as they stand at the time when the Fundamental Rules are introduced, shall require the sanction of the Secretary of State in Council.

(2) Where the application of any rule in the Fundamental Rules is expressly or by implication limited by the provisions of any rule made under section 45-A of the Act, the limitation shall prevail and the rule in the Fundamental Rules shall be subject to the rule made under section 45-A of the Act.

*Note* 1.—The following explanation of rule 2 is given in the memorandum which accompanied the Fundamental Rules:—

"The Fundamental Rules have been made of universal applicability, but, in order to avoid the necessity of reproducing in the Fundamental Rules many special rules, such as the special rules for certain subordinate police services, which appear in Chapters XXXIV to XXXVII, local Governments have been given power to make rules replacing any of the Fundamental Rules, provided that the interests of existing members of services are protected and that the new rules so made give no concessions which are not covered either by the Fundamental Rules or by the latest version of the Civil Service Regulations. It has been deemed desirable to insert in this rule what practically amounts to a definition of the term 'civil service of the Crown' which is used, but not defined in section 96 B of the Act."

There are no such special rules at present applicable to Madras Presidency which require to be issued as Subsidiary Rules by the Madras Government.

*Note* 2.—The Secretary of State has declared that a Government servant paid from civil estimates who is temporarily transferred to service paid from army estimates shall remain subject to the Fundamental Rules (Government of India, Finance Department, Resolution No. 614-C.S.R., dated 19th June 1922, recorded in G.O. No. 564, Finance, dated 30th June 1922).

*Note* 3.—Government servants subject to the Civil Service Regulations and paid from defence service estimates, who are temporarily transferred to service paid from civil estimates, become subject to the Fundamental Rules, for all purposes except leave, during the period of their temporary transfer.

## RULING.

State Governments have full power to introduce revised and less liberal leave rules for Government servants subject to their rule-making power appointed on or *after* the 1st January 1922.

[G.I.,F.D., letter No. F. 12 (20) R. 1-1-32, dated 30th May 1932.]

**2-A.** (1) *The Fundamental Rules as issued and amended from time to time by the Secretary of State in Council and the Subsidiary Rules as issued and amended from time to time by the local Government shall, pending the making of rules by the local Government under rules* 41, 42 *and* 44 *of the Civil Services (Classification, Control and Appeal) Rules, apply to provincial, specialist and subordinate services under the administrative control of the local Government unless a contrary intention is indicated in respect of any rule, subsidiary rule or amendment.*

(2) *Any powers assigned in these rules to the Secretary of State in Council, the Secretary of State, the Governor-General in Council or the Government of India shall be exercised in respect of members of provincial, specialist and subordinate services, by the Governor in Council in the reserved departments and the Governor acting with his Ministers in the transferred department.*

*Note.*—The above rule has been framed with the sanction of the Secretary of State in Council under rule 9 of the Civil Services (Classification, Control and Appeal) Rules, 1930.

## RULINGS.

(1) The Statutory Service Rules must be taken to embody and indicate fully all the provisions governing the services concerned. As laid down in the service rules (*vide* for instance Subordinate Service General Rule 3 of Part I) the Fundamental Rule will govern a service only in the matter

of leave, leave salary, pension and other such conditions of service, *as have not been provided for in the Service Rules.*

[Memo. No. 153162, Public (Services), dated 13th June 1932.]

(2) Even in cases where they merely record the orders of the Government of India regarding Fundamental Rules, Civil Service Regulations, etc., it may be assumed that the instructions issued by the Government of India will apply to Government servants under the rule-making control of the Madras Government.

(Memo. No. 37969-Exp. C-1, Finance, dated 21st June 1949.)

(3) Interpretations of Fundamental Rules issued by the President of the Republic of India from time to time under Rule 8 may be held to apply to the members of the State, Specialist and Subordinate Services under their rule-making control in the absence of orders to the contrary.

**3.** Unless in any case it be otherwise distinctly provided by or under the rules, these rules do not apply to Government servants whose conditions of service are governed by Army or Marine Regulations.

**4.** The powers specifically granted by these rules to local Governments may be exercised by them in relation to those Government servants only who are under their administrative control. These powers may be exercised by the Governor-General in Council in respect of all other Government servants, and may be delegated by him without regard to the limitations of Rule 6 and subject to any conditions which he may think fit to impose, to a Chief Commissioner and to the Governor of the North-West Frontier Province in his capacity as Agent to the Governor-General.

*Note.*—The term " under their administrative control " in Fundamental Rule 4 includes services controlled by the Governor in Council as the Agent of the Governor-General in Council (Government of India letter No. 1079-C.S.R., dated 29th October 1921).

**5.** The power to make rules or general orders conferred upon local Governments by any of these rules shall be exercised after consideration by the Governor with his Executive Council and Ministers sitting together, but the rules and orders so made shall be made by the Governor in Council or by the Governor and Ministers, according as the service affected is attached to a department dealing with reserved or a department dealing with transferred subjects. In the case of services performing duties both in a department dealing with reserved and in a department dealing with transferred subjects, the Governor shall decide by which authority the rules shall be made.

**5-A.** A local Government may, where power to make rules or general orders is conferred upon it by any of these rules, relax the provisions of rules or orders so made by it in such manner as may appear to it to be just and equitable, subject to the limit of its powers to make such rules or order :

Provided that where any such rule or order is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule or order.

RULINGS.

(1) Under Rule 5-A, a State Government can relax any of the provisions of the Subsidiary Rules framed under the Fundamental Rules in the case of an officer of any of the Services under the control of the President of the Republic of India and under Rule 12 of the Civil Services (Classification, etc.) Rules, it can relax any of the provisions of the Subsidiary Rules framed under the Fundamental Rules as well as of the Fundamental Rules themselves, in the case of a member of any of its own services.

Rule 12 of the Civil Services (Classification, etc.) Rules prohibits generally an exception to a rule which has been issued categorically, that is to say, prohibits an exemption not provided for in that rule itself. It does not prohibit the framing of a rule providing that exemptions from its application may be granted by specific authorities in the exercise of their discretion. Such rules should be as few as possible and the discretion should be subjected to as many limitations as the circumstances permit. This discretion should be confined to Government in all except minor matters.

(Comptroller and Auditor-General's letter No. 172 A-68-33, dated 11th November 1933.)

(2) Both Fundamental Rule 5-A and Rule 12 of the Civil Services (Classification, etc.) Rules apply only to relaxations in individual cases.

General exemptions from the natural operation of rules can be made only by amendment of the rules by competent authority.

**6.** A local Government may delegate to any of its officers, subject to any conditions which it may think fit to impose, any power conferred upon it by these rules with the following exceptions :—

(*a*) all power to make rules;

(*b*) the other powers conferred by rules 6, 9 (6) (*b*), 44, 45 83, 108-A, 119, 121 and 127 (*c*), and by the first proviso to clause (1) of Rule 30.

*Delegation under Rule* 6.

In the case of officers under their administrative control who are on leave in the United Kingdom, the Government authorize the High Commissioner for India to exercise all powers conferred on them under the Fundamental Rules except those specified in clauses (*a*) and (*b*) of Rule 6.

**7.** No powers may be exercised or delegated under these rules except after consultation with the Finance Department. It shall be open to that department to prescribe, by general or special order, cases in which its consent may be presumed to have been given, and to require that its opinion on any matter on which it has been consulted shall be submitted to the Governor by the consulting department.

*Instructions under Rule* 7.

*The previous consent of the Finance Department required under this rule to the exercise or to the delegation of the powers conferred upon the State Government under the Fundamental Rules, may be presumed to have been given in all cases except the following:—*

(1) *Proposals involving fresh delegations of power to authorities subordinate to the State Government.*

(2) *Proposals for the issue of new Subsidiary Rules or the amendment of existing ones where the power to make rules has been conferred on the State Government, viz.,* 9 (6) (*b*): 10: 44; 45; 45-*A and* 45-*C*; 47; 66; 68; 74; 82; 93; 101 *to* 104; 106: 119 *and* 130.

NOTE.—*All orders issuing new Subsidiary Rules or amending existing ones will be issued in the Finance Department.*

(3) *Proposals to issue orders under the following rules, unless covered by the Subsidiary Rules and/or instructions already issued under them:—*

*Fundamental Rules* 9 (6) (*b*); 19; 20; 27; 31; 33; 35; 36; 40 *when the pay of the temporary post exceeds Rs.* 250 *or is higher than the minimum allowed for a corresponding permanent post;* 44; 45 *and* 45-A; 46 *and* 47 *for honoraria in excess of budget provision, or for which no scales have been laid down and for permitting the acceptance of fees for work done during official time or with the use or assistance of Government apparatus, materials, etc.*; 48-A, *when it involves any payment to a Government servant on account of the invention*; 49; *note* 3 *under* 51 *when the pay of the Government servant deputed exceeds Rs.* 250 *per mensem or the deputation extends beyond the financial year, or when there is no budget provision;* 68; 93; 101 *to* 104; 106; 110 *to* 114 *in all cases to which the note under Fundamental Rule* 114 *applies*; 119; 121; 127 (c); *and* 130; *and Madras Travelling Allowance Rules* 9; 13; 20; 35; 44; *when a class of officers is affected or the conditions of Travelling Allowance Rule* 44 (1) *are not fulfilled*; 47 *in respect of the grant of enhanced rates of daily allowance to non-gazetted subordinates of the Police department deputed outside the State of Madras in connexion with the tours of the President of the Republic of India or the Prime Minister of India;* 54 *and* 88.

**8.** The power of interpreting these rules is reserved to the Governor-General in Council.

### RULING.

The omission of the general principles of interpretation inculcated in the second sub-paragraph of Article 4 of the Civil Service Regulations, *viz.*, that a Government servant's claim to pay and allowances should be regulated by the rules in force at the time in respect of which the pay and allowances are earned, to leave by the rules in force at the time the leave is applied for and granted, etc., in the Fundamental Rules does not mean that the principles are to be abrogated and the intention is that they should be followed.

## CHAPTER II—DEFINITIONS.

**9.** Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the rules in the sense here explained :—

(1) The *Act* means the Government of India Act.

(2) *Average pay* means the average monthly pay earned during the twelve complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay :

Provided that—

(*a*) in respect of any period spent on deputation out of India which has been declared by the Governor-General in Council to be under quasi-European conditions the pay which the Government servant would have drawn if on duty in India shall be substituted for the pay actually drawn;

(*b*) in the case of an officer of the Royal Engineers who entered civil employ on or before the 17th September 1925 and who during any period of the preceding twelve months has undergone military training by being attached to a unit for one month, his

pay for that particular month shall be assumed to be the pay which he drew in the month immediately preceding his training;

(c) the average pay of a military officer who is granted rent-free quarters and thereby foregoes lodging allowance in lieu thereof, shall, if he gives up such quarters before going on leave, be calculated as though he had been drawing during the period of occupation the lodging allowance to which he would otherwise have been entitled.

*Note to Rule* 9 (2).—The following audit instruction has been issued under this rule:—

According to the definition of "average pay" in this rule, the average is to be taken of the monthly pay earned during the twelve complete months immediately preceding the month in which the leave is taken, and for this purpose "the twelve complete months immediately preceding" should be interpreted literally. Thus a Government servant who has been on leave from 23rd March 1922 to 22nd July 1922 inclusive is granted leave from 4th February 1923. His average pay should be calculated on the pay earned for the periods 1st February 1922 to 22nd March 1922 and 23rd July 1922 to 31st January 1923. If, however, a Government servant happens to be on leave for more than twelve months immediately preceding the date on which he takes leave under the Fundamental Rules, then the average should be taken of the monthly pay earned during the twelve complete months immediately preceding the month in which the leave originally commenced.

*Note* 1.—In the case of the Government servants who were on leave on 1st January 1922, the date on which the Fundamental Rules came into force and who exercise the option of cancelling the unexpired portion of their leave and substituting for it any period of leave to which they may be entitled under the Fundamental Rules, the average for the purposes of the leave under the new rules should be calculated on the pay earned during the twelve complete months immediately preceding the month in which the leave originally commenced irrespective of the period of the original leave.

*Note* 2.—In the case of a Government servant on foreign service out of India lasting for more than twelve months who on reversion to British service immediately takes leave under the Fundamental Rules, the calculation of average pay in respect of leave earned while in Government service should be based on the pay drawn by him during the twelve complete months preceding the month in which he was transferred to foreign service.

*Note* 3.—Any period of joining time taken either under clause (*b*) or under clause (*c*) of Fundamental Rule 105 during the preceding twelve months should be ignored in calculating average pay as no *pay* is drawn in respect of such joining time.

## RULINGS.

### Calculation of leave salary where leave is affixed to vacation.

(1) In the case of a Government servant of a Vacation Department both prefixing and affixing leave to a vacation, the leave salary for the leave affixed should be calculated on the emoluments drawn by the Government servant during the twelve complete months preceding the commencement of his leave.

(G.I., F.D., O. O. No. 2335, C.S.R., dated 15th May 1925.)

(2) In the case of a Government servant of a Vacation Department, the vacations falling in the period of 12 complete months immediately preceding the month in which leave is taken should be treated as duty under Rule 82 (*b*) and the emoluments drawn by the Government servant during the vacations should be treated as pay drawn on duty and should therefore be taken into account in determining his leave salary during the succeeding leave.

(3) The term "month" in this rule means "calendar month" as in Rule 9 (18).

(4) If an officer of a Vacation Department takes in the first instance leave which includes a period of vacation, and afterwards extends his leave so as to include the next vacation, then unless the authority sanctioning the extension specifically refers to the second period of vacation, it should be assumed that there is an administrative objection to reversing the arrangements already made and that therefore the second vacation will

be only leave to which the officer is eligible. Only if the order of extension of leave specifically authorizes the enjoyment of the second vacation as vacation, will a readjustment of leave salary already drawn and of the leave account be made. Vacation cannot be admitted by the audit office as a matter of course.

(Comptroller and Auditor-General's letter No. 82-Admn. 387-25, dated 26th January 1926, and No. 398-A/8-27, dated 16th August 1927.)

(5) For the calculation of average pay in the case of a Military officer who proceeds on leave under Rule 100 after having served for a few months in the Civil Department, the period of twelve complete months immediately preceding the month in which the leave begins should be taken into account. For that portion of the period during which the officer was in Military employ, his pay in the Military employment which comes within the definition of pay in Rule 9 (21) (*b*) should enter into the calculation of average pay.

In the case of an officer who was on Military employ outside India, the pay drawn outside India should be omitted in the calculation of average pay.

(Comptroller and Auditor-General's letter No. 167-A/102-32, dated 22nd July 1932, to the Accountant-General, Bengal.)

(6) The calculation of average pay for the purpose of leave salary in the case of a Government servant under suspension for more than twelve months immediately preceding the month in which he takes leave depends on how the period of suspension is treated under Rule 54 by the revising or appellate authority. If the period of suspension is treated as duty under Rule 54 (*a*) or (*b*) and he is allowed to draw duty pay either in full or in part for the period of suspension, such duty pay will, under Rule 9 (2), be taken into account in the calculation of average pay. In other cases, the period of suspension should be excluded and leave salary calculated on the basis of pay drawn prior to suspension.

(G.O. No. 792, Finance, dated 21st December 1934.)

(7) If a Government servant's pay while on deputation out of India is regulated by special orders of the President of the Republic of India under Rule 51 and not under clause (*a*) of that rule, proviso (*a*) to Rule 9 (2) does not apply. The average pay should, therefore, be calculated in such cases on the basis of the actual pay earned during the twelve complete months preceding the month in which the officer proceeded on leave.

(8) The method of calculation of average pay in the case of officers who have enjoyed the overseas pay concession before proceeding on leave will be as set forth below:—

The average pay will be calculated separately for the amounts drawn by the officer in Rupee and in Sterling, respectively. For example, an officer who was in receipt of Rs. 1,250 basic pay plus Rs. 250 overseas pay from the 1st July 1923 and drew Rs. 1,250 basic pay and £30 overseas pay from the 1st April 1924 is entitled to a leave salary during leave commencing from 1st July 1924 of Rs. 1,250 + Rs. 250 × 9/12 + £30 × 3/12 or Rs. 1,250 + Rs. 188-8-0 + £7-10.

(Comptroller and Auditor-General's letter No. 1853-Adm./1260-Ac.-24, dated 30th December 1924.)

(3) *Barrister* means a practising barrister of England or Ireland and a practising member of the Faculty of Advocates of the Court of Sessions of Scotland. It does not include a person who, though called to the Bar, has never practised the profession of barrister.

(4) *Cadre* means the strength of a service or a part of a service sanctioned as a separate unit.

(5) *Compensatory allowance* means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance but does not include a sumptuary allowance nor the grant of a free passage by sea to or from any place outside India.

### RULINGS.

**Relation between Special pay and Compensatory allowance.**

(1) The Fundamental Rules make a distinction in the definition of the terms "Special pay" and "Compensatory allowance". These definitions should be strictly construed and an exact compliance with the conditions stated in them is necessarily antecedent to the grant of either special pay or compensatory allowance. The President of the Republic of India has pointed out that no necessary interdependence can be recognized between special pay and compensatory allowance and that it would be irregular to refuse to grant compensatory allowance to a Government servant when the cost of living would justify such a grant on the ground that he had already been granted special pay in consideration of the duties and responsibilities of his post or to reduce the amount of special pay granted to an officer on the ground that for reasons essentially different a compensatory allowance is subsequently granted.

**Allowances for loss of privilege of private practice.**

(2) Any allowances granted to Professors of Medical Colleges to compensate them for loss of the privilege of private practice should be treated as compensatory allowances.

(6) *Duty*—(*a*) Duty inlcudes—

(i) Service in India as a probationer or apprentice, provided that such service is followed by confirmation.

(ii) Joining time.

(iii) Extra leave on average pay granted to a Government servant undergoing treatment at a Pas eur Institute.

(iv) In the case of an officer of the Indian Civil Service, the Indian Police, or the Indian Forest Service recruited overseas, the period prior to assumption of duties on first appointment during which he draws pay.

### RULINGS.

(1) The effect of the sub-clause (iv) to Fundamental Rule 9 (6) (*a*) is that officers of the Indian Civil Service, Indian Police and Indian Forest Service who were recruited overseas and who arrived in India after 1st January 1922 count service for leave from the date of their landing in India. For this purpose officers recruited in India to the I.C.S. under the I.C.S. (Probationary Service) Rules, 1937, and sent to England for training are also treated as officers recruited overseas.

(Comptroller and Auditor-General's letter No. 447-A/52-35, dated 3rd November 1938.)

(2) The Government of India have decided that the period or periods spent by an employee of the Union Government in Air Raid Precautions training, Civic Guard training, Air Raid Precautions duty or Civic Guard duty during normal working hours with the permission of the Head of his office should be treated as duty for the purposes of Fundamental Rule 9 (6).

[Government of India letter No. 55/42 A.R.P. (C.D.), Civil Defence, dated 21st April 1942.]

(*b*) A local Government may issue orders, declaring that, in circumstances similar to those mentioned below, a Government servant may be treated as on duty :—

(i) During a course of instruction or training in India.

(ii) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at an university, college or school in India during the interval between the satisfactory completion of the course and his assumption of duties.

(ii-A) *The local Government may declare that in the case of any particular class of Government stipendiary students a period of training as a stipendiary before substantive appointment as a Government servant shall count for leave and increment of pay subject to any conditions which may be imposed in such declaration.*

(iii) During preparation in India for an examination in any oriental language.

(iv) On the first arrival in India of Government servants appointed in England who do not, before they report themselves at the seat of the local Government concerned, receive orders to take charge of a specified post, during the interval between the date of such report and the date on which they take charge of their duties.

*Subsidiary Rules under Rule* 9 (6).

Under Rule 9 (6), sub-clause (*b*) (i).

1. A list of authorized courses of instruction or training, of the Government servants who may be deputed and of the authorities competent to depute them is given in Annexure I.

Under Rule 9 (6), sub-clause (*b*) (ii).

2. Sub-Assistant Surgeon pupils may draw pay as Sub-Assistant Surgeons from the 1st April following their final qualifying examination, or if in any year the examination does not end until after the 1st of April from the day following that on which the examination ends.

Under Rule 9 (6), sub-clause (*b*) (iii).

3. The number of days actually required by a Government servant for proceeding to and returning from the station at which an obligatory departmental examination or an optional departmental examination which he is permitted to attend is held will be treated as a period of duty in addition to the day or days of examination. The concession shall not be granted more than twice for the same optional examination.

Under Rule 9 (6), sub-clause (*b*) (iv).

4. A Government servant appointed in England who does not on his first arrival in India receive orders to take charge of a specific post before he reports himself at the seat of the local Government will be considered to be on duty during the interval between the date of such report and the date on which he takes charge of his duties, provided that the interval between the receipt of orders and his assumption of his duties shall not exceed the amount of joining time which would be admissible under Fundamental Rule 105 (*a*). (Government of India Resolution No. 122-C.S.R., dated 10th February 1922, recorded in G.O. No. 179, Finance, dated 28th February 1922, and Government of India letter No. 173-C.S.R., dated 28th February 1922, recorded in G.O. No. 242, Finance, dated 20th March 1922.)

**RULINGS.**

(1) Pending the issue of general orders by the State Government under this rule the special orders of the State Government concerned should be called for in each case in which periods of the nature referred to in this rule are treated as duty except in accordance with the rules which were in

existence immediately prior to 1st January 1922, as set out in Articles 52 (c) and 68-A of the Civil Service Regulations.

Civil officers taken prisoners or left behind in enemy-occupied territory should be regarded as still on duty for all purposes.

[Letter No. F-7 (62)-W/42, dated the 1st June 1942, of the Government of India, Finance Department, and Memorandum No. 18468-Accts.-2, dated the 24th June 1942, of the Government of Madras, Finance Department.]

### Training in the Indian Territorial Force.

(2) Under paragraph 177 of the Regulations for the Indian Territorial Force (1930), Government servants who are members of the Indian Territorial Force, are normally entitled, when called out or embodied for training to Military pay and allowances at the rates admissible for the Indian Territorial Force; the difference, if any, between Civil pay and Military pay is admissible only in cases where a Department of the Government of India or its attached and subordinate offices or a State Government may have specially authorized the payment of such difference. The Military pay and allowances are debitable to Defence Estimates while the excess of Civil pay over Military pay is payable from Civil Estimates. To prevent overpayments, heads of departments have been requested to furnish to the audit office the requisite information, *vide* T.M. Circular No. 10-8-927, dated the 11th September 1942.

(Comptroller and Auditor-General's letter No. 807-Admn./95-39, dated the 15th August 1942.)

(3) The prescribed annual course of training of the Government servants should be treated as duty and the arrangement as regards the pay they should get is similar to that described in the above Army Instruction.

If the Military pay of the person deputed for training is less than his Civil pay, the difference will always be made good by Government without any restriction, that is to say, whether a substitute is appointed or not.

*Note.*—The pay of the workmen borne on the "Works Establishment" of the Public Works Department will also be regulated by the above orders.

[G.O. No. 933, Public (Political), dated 14th June 1939; No. 889, Public, dated 21st December 1921; No. 825, Public, dated 13th October 1922; and No. 107, Public, dated 29th January 1929.]

(4) Copyists in Criminal and Civil Courts undergoing similar training should be treated as Government servants, for the aforesaid purpose, their pay during the training period being calculated on the average of their earnings during the previous three months.

[G.Os. No. 785, Public, dated 28th September 1922, and No. 2993, Law (General), dated 25th August 1926.]

(5) When Government servants, enrolled in the Indian Territorial Force, attend the annual training or courses of instruction, the period of absence from duty shall not be deducted from any casual or other leave which may be admissible to them but shall be regarded as duty for the purposes of civil leave and pension.

(6) The time spent on training by Government servants who join the Army in India Reserve of Officers counts as duty under this rule as also the period spent in journeying to and from the place at which the training is carried out.

(G.I., F.D., No. 81 F.E., dated 27th September 1926 and G.O. Ms. No. 913, Public, dated 20th October 1926, and G.I., F.D., No. F. 34-R. I-32, dated 19th August 1932.)

(7) A Civil officer undergoing military training is not a 'Military' officer as defined in Rule 9 (16) (*b*) and in his case 'pay' as defined in Rule 9 (21) (*a*) does not include rank pay received during the period of training. The pay which the officer would have drawn in the regular line in the Civil Department if he had not been under military training should be taken into account for purposes of calculation of leave salary based on average pay under the Fundamental Rules.

The same procedure should also be adopted in the calculation of the leave salary of a civilian officer belonging to the Indian Army Reserve of Officers who when called to Army service is not a 'military officer' as defined in Rule 9 (16) (*b*) and in whose case pay as defined in Rule 9 (21) (*a*) does not include 'Rank Pay' received during the period of service in the army.

[Government of India No. F-7 (1), R. 1/39, dated 11th March 1939.]

(Letter No. 958-Ac./139-38, dated the 29th December 1938, from the Comptroller and Auditor-General to the Accountant-General, P. & T.)

**Military Training for officers of the Indian Medical Service.**

(8) To enable officers of the Indian Medical Service to keep themselves up to date, in their Military as well as technical duties in peace and war, arrangements have been made for certain senior officers, who are detailed to attend the senior officers' course at the Royal Army Medical College, Millbank, in accordance with the Army Instruction (India), No. 1 of 1930, to attend a course in military subjects at the Royal Army Medical Corps Depot, Aldershot.

These courses will commence on the 1st March and the 1st September of each year and will be held prior to the half-yearly courses at Millbank. They will be of 8 weeks' duration so that on completion of this military course officers may take the senior Millbank course in continuation. The courses are at present optional, but attendance at them will be regarded as duty.

Officers in Civil employ may be selected to attend them provided the State Governments under whom they are employed agree to spare their services.

The incidence of cost, passages, pay, etc., in respect of these courses will be governed by the rules in the Army Instruction (India), No. 1 of 1930.

[Letter from the Government of India, Army Department, No. 28603-G.S.M. T-2, dated 20th June 1932, communicated with G.O. No. 1553, P.H. (L.S.G.), dated 21st July 1932.]

(9) Men of the R.I.N. Fleet Reserve, who are employed under Government, will be allowed to proceed for one month's training when called up by the R.I.N. who will pay them for the period they are under training. The absence of the men for the period of training will be counted as duty.

[G.O. No. 3054, Public (Services), dated 3rd October 1947.]

(10) The refresher course of training for compounders and midwives referred to in item 13 under "Medical and Public Health" in Annexure I to the Fundamental Rules should be limited to a maximum period of three months in each case.

(G.O. No. 1378, P.H., dated 9th August 1926.)

(11) Government servants deputed for training in the Indian Signal Corps and other arms of the Indian Army Reserve shall be treated as on duty and draw the pay of the Military rank in which they serve while undergoing training. If, however, the military pay of their rank is less than their ordinary civil pay, the difference will be made good by the Government. Government servants deputed for training in the Auxiliary Force (India), shall also be treated as on duty and draw the pay of their Military rank in addition to their civil pay provided that such training does not interfere with their civil duties.

*Note.*—The pay of the workmen borne on the "Works establishment" of the Public Works Department and the wages of the daily-paid workmen of the Public Works Department Workshops, Madras, will also be regulated by the above orders as regards the training in the Indian Auxiliary Force.

(G.O. Ms. No. 806, Public, dated 30th August 1927; G.O. Ms. No. 833, Public, dated 8th August 1929; G.O. No. 107, Public, dated 29th January 1929, and G.O. No. 1134, Public, dated 30th August 1932.)

**Procedure for the payment of pay and allowances to members of the Auxiliary Force units on calling out for embodiment.**

(12) Officers, Non-Commissioned Officers and men who are Government servants when called out or embodied under section 18 of the Auxiliary Force Act will be paid in the following manner for the period of the first three months by the authority who paid them prior to their being called out or embodied:—

In the case of Gazetted Officers the procedure for the payment of leave allowances in India laid down in the respective regulations relating to civil salary, etc., of the officers concerned, may be followed to enable them to draw pay at their civil headquarters or on bills signed by authorized agents, or from the nearest civil treasury. Such officers should intimate to their Civil Audit and Accounts Officer which of the above methods of payment is desired and the latter will ascertain the rates of military pay and allowances admissible from the Controller of Military Accounts in whose jurisdiction the unit is located and will authorize the officer to draw pay and allowances

at these rates if such are greater than his civil pay under the " next below " rule. The Civil Audit or Accounts Officers will also ascertain the dates of commencement and termination of the military duty of the officer concerned.

In the case of non-gazetted officers including those non-gazetted officers who sign their own bills, military pay and allowances, if greater than their civil pay, will be drawn and paid by the head of the office, who will attach to the bill a statement showing the rates of military pay and allowances as certified by the Controller of Military Accounts concerned.

Remittance Transfer Receipts will be used for the pay of non-gazetted staff when payments are required at another station.

If, after the expiry of three months, they are still on such military duty, last pay certificates will be issued to the Officer Commanding the Auxiliary Force India unit concerned, copies being sent simultaneously to the Controller of Military Accounts concerned by the Civil Audit or Accounts Officer in the case of gazetted Government servants and by the head of the office in the case of others and thereafter their pay and allowances will be drawn in the pay bill of the unit.

[Government of India letter No. D-9935-F-34, dated 3rd December 1934, communicated in Comptroller and Auditor-General's Endt. No. 779-Admn. II-511-30, dated 21st December 1934, and G.O. No. P. 85, Public (Military), dated 12th January 1935.]

(13) In the case of officers of the Education Department deputed to undergo a course of training recognized by the Madras Educational Rules, (1) the period of training as stipendiary before substantive appointment as a Government servant and (2) the periods spent in transit to and from the training institution will count both for leave and increment in the post held prior to such training.

[G.Os. Mis. No. 1979, Law (Education), dated 12th October 1927, Mis. No. 320, Law (Education), dated 20th February 1929, and Mis. No. 1129, Education, dated 31st May 1929.]

### Compulsory wait for orders of posting.

(14) When a Government servant on return from leave has compulsorily to wait for orders of posting, such period of waiting should be treated as duty.

During such periods he will be entitled to pay according to Rules 20 and 30.

[G.I., F.D., No. F.-192-C.S.R./25, dated 20th June 1925, and G.O. No. 984-W., dated 9th July 1925, G.I., F.D., No. F. 13-C.S.R./26, dated 19th January 1926, and G.O. No. 241, Public, dated 17th March 1926.]

(15) The period of absence from duty of a Government servant for the purpose of interview or for medical examination for enrolment in the Territorial Army should be treated as on duty.

[Finance Memorandum No. 40725-A-C.S.R., dated 19th May 1953.]

(16) The period spent by the members of the Madras Electrical Subordinate Service, appointed by direct recruitment, in taking over charge on their first appointments, should be treated as duty and they should be paid the pay and allowances admissible to such posts.

[Finance Memorandum No. 86068-C.S.R.-2, dated 26th November 1953.]

(6-A) *Fee* means a recurring or non-recurring payment to a Government servant from a source other than the revenues of the Government under whom he is employed whether made directly to the Government servant or indirectly through the intermediary of Government.

(7) *Foreign service* means service in which a Government servant receives his substantive pay with the sanction of Government (*a*) from any source other than the revenues of the Governor-General in Council or of a province or the Railway Fund (when established); or (*b*) from a company working a State Railway.

(8) *General revenues of India* include the revenues allocated to local Governments and exclude revenues of local funds.

(9) *Honorarium* means a recurring or non-recurring payment granted to a Government servant from the revenues of the Government under whom he is employed as remuneration for special work of an occasional character.

(10) *Joining time* means the time allowed to a Government servant in which to join a new post or to travel to or from a station to which he is posted.

(11) *Leave on average (or half or quarter average) pay* means leave on leave salary equal to average (or half or quarter average) pay, as regulated by Rules 89 and 90.

(12) *Leave salary* means the monthly amount paid by Government to a Government servant on leave.

(13) *Lien* means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

**RULINGS.**

(1) A Government servant who has elected to remain under the leave rules contained in the Civil Service Regulations is entitled to the benefit of Article 210 of these regulations and in his case the application of that article has the effect of overriding the definition of the word "lien" in rule 9 (13) of the Fundamental Rules for the purpose of the interpretation of that word in Rule 26 (*b*).

(G.I., F.D., No. F. 153-C.S.R./26, dated 26th June 1926.)

(2) In the case of a Government servant who holds no lien on any appointment except that which it is proposed to abolish, the correct practice in deciding the exact date from which the appointment is to be abolished would be to defer the date of abolition up to the termination of such leave as may be granted.

(Comptroller and Auditor-General's Memo. No. 641/A-194/22, dated 13th September 1922.)

(14) *Local fund* means—

(*a*) revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally, or to specific matters such as the sanctioning of their budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules; and

(*b*) the revenues of any body which may be specially notified by the Governor-General in Council as such.

(15) *Local Government*, for the purpose of these rules, does not include a Chief Commissioner.

(16) (*a*) *Military commissioned officer* means a commissioned officer other than

(i) a departmental commissioned officer;

(ii) a commissioned officer of the Indian Medical Department.

It does not include a warrant officer.

(*b*) *Military officer* means any officer falling within the definition of military commissioned officer, or included in sub-clause (i) or (ii) of clause (*a*) above, or any warrant officer.

(17) *Ministerial servant* means a Government servant of a subordinate service whose duties are entirely clerical, and any other class of servant specially defined as such by general or special order of a local Government.

*Note to Rule* 9 (17).—A list of Government servants who have been specially declared by the State Government to be ministerial servants is given in Annexure IV.

RULING.

The definition of " Ministerial Servant " under Rule 9 (17) is applicable only for purposes of Fundamental Rules and it is not dependent on the Service Rules regulating recruitment, etc., to the several services.

(Finance Memo. No. 32492-2, C.S.R., dated 1st December 1933.)

(18) *Month* means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

RULING.

**Calculation of Calendar Months.**

In calculating a period of 3 months and 20 days from 25th January, 3 months should be taken as ending on 24th April, and the 20 days on 14th May. In the same way, the period from 30th January to 2nd March should be reckoned as one month and 2 days, because one month from 30th January ends on 28th February. A period of one month and 29 days commencing from the 1st January will expire in an ordinary year (in which February is a month of 28 days), on the *last day* of February, because a period of 29 days cannot obviously mean to exceed a period of full calendar month and leave for two months from 1st January would end on the last day of February. The same would be the case if February were a month of 29 days or if the broken period were 28 days (in an ordinary year).

(19) *Officiate.*—A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. A local Government may, if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

*Delegation under Rule* 9 (19).

The authority which has power to make a substantive appointment to a vacant post may appoint a Government servant to officiate in it.

*Instruction under Rule* 9 (19).

*A post vacated by a Government servant who has been dismissed should not be filled substantively, pending the result of such appeal as the rules permit.*

(20) *Overseas pay* means pay granted to a Government servant in consideration of the fact that he is serving in a country other than the country of his domicile.

## RULING.

In a case regarding calculation of the average cost of a post in the Imperial Police Service, the following orders were passed by the Comptroller and Auditor-General:—

* * * As regards the calculation of the average cost of overseas pay the total cost of sterling and rupee overseas pay now drawn should be worked out separately and divided in each case by the number of men so drawing. As the cost to India is the cost of sending money to England to make the payment there, 1*s*. 6*d*.† should be taken as the rate for converting sterling overseas pay into rupees for this purpose.

* * * * * *

(Comptroller and Auditor-General's letter No. 1402-Admn./397-95, dated the 28th November 1925.)

(21) (*a*) *Pay* means the amount drawn monthly by a Government servant as

(i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and

(ii) overseas pay, technical pay, special pay and personal pay, and –

(iii) any other emoluments which may be specially classed as pay by the Governor-General in Council.

*Note* 1.—Judicial pay and language pay shall be regarded as "pay" for all purposes—*vide* Government of India, Finance Department, No. 76-E-A, dated 25th January 1922, and No. 1439-F-E., dated 14th July 1922, G.O. No. 176, Finance, dated 27th February 1922, and G.O. No. 666, Finance, dated 5th August 1922.

*Note* 2.—The personal allowance drawn as compensation for the withdrawal of exchange compensation allowance with reference to paragraph 3 of the Government of India, Finance Department, Resolution No. 1559-E-A, dated 16th August 1921, and paragraph 4 of the same Department Resolution No. 591-F.E., dated 29th March 1922 (recorded in G.O. No. 933, Finance, dated 16th September 1921, and G.O. No. 426, Finance, dated 8th May 1922, respectively), will be treated as "personal pay" for the purposes of calculating leave salary but not for pension.

(*b*) In the case of military officers in receipt of the rates of pay introduced on 1st July 1924, pay includes the amount which he receives monthly under the following designations:—

(i) Pay of appointment, lodging allowance and marriage allowance; and

(ii) Pay of rank, command pay, additional pay, Indian Army allowance, lodging allowance and marriage allowance.

In the case of a military officer in receipt of the rates of pay in force before 1st July 1924, pay includes the amount which he receives monthly under the following designations:—

(i) Military pay and allowances and staff salary,

(ii) Indian Army pay and staff salary, and

(iii) Consolidated pay.

† The current (now uniform) rate of exchange, as defined in Article 229, Account Code, Volume IV First Edition (1940), will hereafter be applied in converting sterling overseas pay into rupees for all purposes—G.I., F.D. Resn. No. F. 276-Ex./25, dated the 1st April 1926.

### RULINGS.

#### Pay.

(1) The following emoluments have been allowed to count as pay:—

(a) Language allowances when they are recurring payments.

(b) Personal pay drawn as compensation for the withdrawal of exchange compensation allowance.

(2) The following are not allowed to count as pay (The list is not necessarily exhaustive):—

(a) Fees paid to Law officers in addition to their pay, unless the Governor-General in Council declares them to be pay.

(b) Hill allowances.

(c) Exchange compensation allowance drawn as such.

[Office Memo. No. F. 12 (25)-R. I./40, dated 8th November 1940, received with Comptroller and Auditor-General's Endorsement No. 393-A./1864-40, dated 23rd November 1940, and Secretary to the State Representative's Endorsement No. F. 13 (7)-E/40, dated 22nd November 1940.]

(3) Lodging allowance is an integral part of the pay of every officer in India and is included in the calculation of pay to be drawn by military officers during privilege leave.

(G.I., F.D. No. F.-127, C.S.R. 27, dated 8th June 1927.)

(4) The term "Military pay and allowances and staff salary" used in this rule does not include the marriage allowance of British soldiers.

(G.I., F.D. No. F.-7 R. I/35, dated 9th January 1935.)

(22) *Permanent post* means a post carrying a definite rate of pay sanctioned without limit of time.

(23) *Personal pay* means additional pay granted to a Government servant—

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations.

(24) *Presumptive pay of a post*, when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the post substantively and were performing its duties; but it does not include special pay unless the Government servant performs or discharges the work or responsibility or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.

### RULING.

The first part of the definition is intended to facilitate the use of the term in relation to a Government servant who has been absent from a post for some time but still retains a lien on it.

(25) *Special pay* means an addition, of the nature of pay, to the emoluments of a post or of a Government servant, granted in consideration of—

(a) the specially arduous nature of the duties; or

(b) a specific addition to the work or responsibility; or

(c) the unhealthiness of the locality in which the work is performed.

## RULINGS.

### Special pay for X-ray work.

(1) In support of the claim for special pay drawn for Government servants doing part-time X-ray work in medical institutions, a certificate in the following form should be attached to the pay bill:—

"Certified that the Government servants for whom the special pay has been drawn have done X-ray work and have undergone the requisite training at the X-ray Institute or elsewhere."

[G.O. Ms. No. 656, P. H. (L.S.G.), dated the 18th August 1924.]

(2) Typist-clerks and typists of the vacation department may draw special pay during the vacation period.

(3) Provided sanctioning authorities limit the allowances for the unhealthiness of a locality to cases in which the locality is likely to cause illness or impair vitality, it is reasonable that the allowance should be taken into account in calculating leave salary and pension. This limitation is inherent in the rule as it stands and State Governments should, in granting the allowance, invariably see that the condition is satisfied.

(4) (*a*) The following officers will continue to draw the Class III (unhealthy localities) special pay during the period when their temporary headquarters are in the plains:—

(1) Special Assistant Agent, Bhadrachalam.

(2) District Forest Officer, Kunavaram.

(G.O. Ms. No. 53, Finance, dated 3rd January 1931.)

(*b*) In the case of establishments who have been permitted to move to the plains for less than three months in a year and who therefore actually spend more than nine months in the unhealthy localities, Class III special pay is admissible throughout the year.

In the case, however, of establishments with headquarters in the Agency Tracts who have been permitted to move to the plains for three months or more in a year, Class III special pay is inadmissible for the period actually spent in the plains even though this period is less than three months. The period for which an establishment as a whole has been permitted to remain in the plains, and not the period actually spent in the plains by individual members, is the criterion for admitting Class III special pay for the period of actual stay in the plains.

*See* local ruling 1 under Madras Travelling Allowance Rule 58 in Part II of the Madras Manual of Special Pay and Allowances for a list of establishments which have been permitted to move to the plains for a portion of the year.

[G.O. Ms. No. 544, Finance, dated 20th August 1931, and G.O. Ms. No. 1344, W. (P.W. & L.), dated 22nd June 1932.]

(*c*) *The camp staff* of the Special Assistant Agent, Bhadrachalam, will be eligible for the unhealthy localities special pay during the whole period of their annual stay in the plains. Other members of the establishment of the Special Assistant Agent are not, however, eligible for the special pay for any portion of their stay in the plains.

(G.O. Ms. No. 2763, Revenue, dated 25th October 1938.)

(*d*) Claims for unhealthy localities special pay in respect of Government servants stationed at Mannarghat and Tamarasseri in Malabar district with reference to the entry in brackets in item 19 of rule 10 of the Madras Manual of Special Pay and Allowances, Volume I—Part I, are admissible only if the posts held by them are included by Government in the list referred to in rule 11 (*b*) of the Manual.

The annual touring undertaken by Government servants mentioned in the list referred to in rule 11 (*b*) should be reviewed by the head of the department once in five years so as to satisfy himself and audit about the continuing necessity for the special pay.

(Memo. No. 20386-C.S.R. 2, dated 14th August 1941.)

(5) A certificate in the following form should be furnished by the drawing officers in the bills in which the special pay sanctioned on account of the unhealthiness of the locality is drawn:—

"Certified that the special pay has not been claimed for officers or subordinates who are natives of or domiciled in the localities (specified in rule 10 of the Manual of Special Pay and Allowances, Vol. I) for which the special pay is drawn."

**Calculation of special pay on sterling overseas pay.**

(6) When special pay has been sanctioned in the form of a portion or percentage of pay in the ordinary line and the pay in the ordinary line includes an element of sterling overseas pay, such special pay should be determined as follows:—

(*a*) The special pay is admissible on the sterling overseas pay as well as on the rupee basic pay;

(*b*) the special pay must be expressed and drawn wholly in rupees;

(*c*) the sterling overseas pay should for the purposes of calculating the special pay be converted into rupees at the rate of 1*s*. 6*d*. to the rupee.

(7) The Government of India have laid down the following principles for being followed in the matter of granting special pay in future:—

(*a*) Special pay should be granted only when the conditions of Rule (25) strictly apply. It should not be given merely for the purpose of improving the prospects of a service or for the purpose of serving as substitute for, or as an addition to, a selection grade of pay.

(*b*) The posts in the ordinary time-scale of a service will naturally vary in intensity and responsibility, but this is no ground ordinarily for granting special pays to the holders of the heavier charges. If owing to circumstances a junior officer has to hold one of the more responsible regular charges, he is thereby given an opportunity of proving his fitness for higher posts.

(*c*) The placing of an officer on special duty does not necessarily mean that his work becomes specially arduous or so increased in quantity and responsibility as to justify special pay. An officer's posting is in the hands of Government and he has no right to refuse a post which Government in the cause of the public service allots to him. This applies also to officers transferred by agreement between two Governments from one Government to another. A protest against a posting should be formally admitted only on the ground of loss of pay or prospects and even on these grounds Government is the final arbiter.

(*d*) A comparison between the circumstances of one officer and another or of one service and another should not be accepted necessarily as an argument for the grant or for the enhancement of special pay.

For certain regular posts it has been found convenient not to fix a specific rate of pay but to remunerate their holders in the form of grade pay *plus* special pay. The Government of India have observed that while in the main the principles set out above apply to such special pay, there are certain obvious differences between the circumstances of such posts and the class of post to which frequent proposals to attach special pay arise.

(The Comptroller and Auditor-Generals Endorsement No. 646-G.B.E-72/36. dated 9th March 1936.)

(26) *Cancelled.*

(27) *Subsistence grant* means a monthly grant made to a Government servant who is not in receipt of pay or leave salary.

(28) *Substantive pay* means the pay other than special pay, personal pay or emoluments classed as pay by the Governor-General in Council under rule 9 (21) (*a*) (iii), to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.

### RULING.

Marriage allowance and lodging allowance of Military Officers in the Army come within the definition of 'Substantive pay' so long as they continue to be treated as part of pay.

(Letter No. 736-A/289-36, dated 10th August 1936, from the Comptroller and Auditor-General to the Accountant-General, Burma, received with Comptroller and Auditor-General's Endorsement No. 281-A/289-35, dated 15th August 1936.)

(29) *Technical pay* means pay granted to a Government servant in consideration of the fact that he has received technical training in Europe.

(30) *Temporary post* means a post carrying a definite rate of pay sanctioned for a limited time.

(30-A) *Tenure post* means a permanent post which an individual Government servant may not hold for more than a limited period.

*Note.*—In case of doubt a Local Government may decide whether a particular post is or is not a tenure post.

(31) (*a*) *Time-scale pay* means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum. It includes the class of pay hitherto known as progressive.

(*b*) Time-scales are said to be *identical* if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

(*c*) A post is said to be on the *same* time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

### RULINGS.

**Time Scale of Pay.**

**Formulæ for calculating average cost of time scales of pay.**

*Formula* (1).

$$\text{Average pay} = \frac{A+B}{2} + \frac{B-A}{2}\left[1 - (R+1)\left(\cdot 014 + \frac{1 - \cdot 01\,R}{F-E}\right)\right]$$

*Formula* (2).

$$\text{Average pay} = \frac{A+B}{2} + \frac{B-A}{2}\left[1 - (R+1)\left(\cdot 021 + \frac{1 - \cdot 015\,R}{F-E}\right)\right]$$

In the formulæ (1) and (2)—

A = Minimum pay,
B = Maximum pay,
R = Period of rise,
E = Average age at entry in the grade, and
F = Average age at retirement on superannuation pension.

This may be taken to be 55 in almost every case unless there are special reasons to take it either at a lower or a higher figure.

*Formula* (3).

$$\text{Average pay} = \frac{A+C}{2} + \frac{C-A}{2}\left[1-(S+1)\left(\cdot 006 + \frac{1-\cdot 004\,S}{G-E}\right)\right]$$

In formula (3)—

A = Minimum pay,
C = Pay just before promotion to the second grade,
S = Period of rise from A to C,
E = Average age at entry in the first grade, and
G = Average age at the time of promotion to the second grade.

*Formula* (4).

Average pay = $\frac{1}{2}$ $(A+W_1B_1+W_2B_2+X_1C_1+X_2C_2)$.

Where A = the initial pay of the scale,

$B_1B_2$ = the maximum pay of the different sections of the scale such as the ordinary scale, the scale for passed clerks,

$W_1W_2$ = the proportion of the establishment which would normally reach the maxima of $B_1B_2$ respectively,

$C_1C_2$ = the pay at the different efficiency bars, and

$X_1X_2$ = the proportion of the establishment which would normally be detained at $C_1C_3$ respectively.

(G.I., F.D. No. F. 40-Ex. I/27, dated 16th July 1927, and No. D. 1148-Ex. I, dated 6th March 1931; recorded in G.O. Mis. No. 206, Finance, dated 26th March 1931.)

*Note* 1.—Formula (1) is to be used in the case of gazetted appointments and formula (2) in the case of non-gazetted posts. In cases where one grade is the channel for promotion to another grade, that is to say, where everybody in the first grade's ultimately promoted to the second grade, formula (3) should be adopted to find the average cost of appointments in the first grade. The use of formula (4) should be restricted to cases involving an elaborate scale consisting of two or more sections with efficiency bars at one or more stages.

*Note* 2.—To calculate average sterling overseas pay the aggregate of the sterling overseas pay actually drawn by Government servants at any one time should be taken and divided by the total number of such officers. Similarly to calculate average overseas pay drawn in rupees the total amount actually drawn by Government servants, should be divided by the number of such Government servants drawing it. As the cost to India is the cost of sending money to England to make the payment there, the rate of exchange should be taken as 1*s*. 6*d*. for converting sterling overseas pay into rupees.

(Comptroller and Auditor-General's letter No. 1402-Admn. 397/425, dated 28th November 1926 to the A.G., Central Provinces. Extract communicated with his Endorsement No. 5308/397-20, dated 3rd December 1926.)

*Note* 3.—The Government of India have decided that to find the average cost of an appointment in the Junior scale of an All-India Service formula (3) should be used and that such portion of overseas pay should be added to the minimum basic pay, as well as to the basic pay just before promotion to the senior scale, as the number of persons drawing overseas pay in the junior scale bears to the total number of persons in that scale.

(G.I., F.D., No. F. 39-II-Ex. I/31, dated 2nd April 1931.)

*Formula* (5).

When the increment is annual and the period of rise is five years—

The average monthly cost will be taken in the case of ministerial posts at the minimum *plus* three-fourths and in the case of other than ministerial posts at the minimum *plus* two-thirds of the difference between the minimum and the maximum.

*Formula* (6).

When the increment is annual or biennial and the period of rise is above five years—

(*a*) In the case of ministerial posts—

Value = Minimum + $(\frac{3}{4} - \frac{X}{60})$ of the difference between the maximum and the minimum.

(*b*) In the case of other than ministerial posts—

Value = Minimum + $(\frac{2}{3} - \frac{X}{90})$ of the difference between the maximum and the minimum.

Where X represents the excess in the period of rise in year overs five years when the increments are annual or over four years when the increaments are biennial.

(G.O. No. 447, Finance, dated 16th July 1904.)

*Formula* (7).

When the period is less than five years—

(*a*) In the case of ministerial posts—

Value = Minimum + $(\frac{2}{3} + \frac{X}{20})$ of the difference between the maximum and the minimum.

(*b*) In the case of other than ministrial posts—

Value = Minimum + $(\frac{2}{3} + \frac{X}{15})$ of the difference between the maximum and the minimum.

Where X represents the differences between five and the number of years required to reach the maximum.

(G.O. No. 338, Public, dated 5th May 1910.)

*Formula* (8).

When the increments are other than annual, or biennial, *e.g.*, half-yearly—

The value shall be taken at the average of 12 years in the case of ministerial posts and of nine years in the case of nen-ministerial posts, as illustrated below :—

Ministerial post Rs. 300—10—400 where increment is every half-year—

Value = (Rs. 300 + 310 + 320 + 330 + 340 + 350 + 360 + 370 + 380 + 390 + 400 + 400 + 400 + 400 + 400 + 400 + 400 + 400 + 400 + 400 + 400 + 400 + 400 400) ÷ 24 = $\frac{9050}{24}$ = 377 $\frac{1}{12}$.

*Note.*—(1) If, in these cases, the maximum cannot be reached before the expiry of the twelfth year in the case of ministerial posts and before the expiry of the ninth year in the case of non-ministerial posts the average value shall be taken at the mean between the maximum and the minimum.

(G.Os. No. 447, Finance, dated 16th July 1904, and No. 106, Finance, dated 16th February 1905.)

(2) Formulae (1) and (4) should be used in all estimates of average costs to be submitted to the Government of India or higher authorities. In other cases where the establishment are under the control of the State Government and where the recovery of the cost of the establishment could under F.R. 127 be partly waived by the State Government, formulae (5) to (8) should be applied.

(C.C.A.'s letter No. 755-NGE/200-28, dated 17th May 1928, Finance, Memo. No. 19637, E.R.I. dated 12th July 1928.)

(3) The formulae relating to non-ministerial servants should be adopted in calculating the average cost of scales of pay applicable to last grade Government servants.

(Finance Memo. No. 48322/E-II-1, dated 17th July 1948.)

(32) *Travelling allowance* means an allowance granted to a Government servant to cover the expenses which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.

*Subsidiary Definitions.*

(i) A competent authority in respect of any officer, is in so far as any power delegated under these rules is concerned, the authority to which such power has been delegated, and, where no such specific

delegation has been made, the competent authority is, unless otherwise stated, the authority in whom the power to appoint such officer has been, or is, vested from time to time by the local Government.

(ii) *Heads of departments.*—For the purpose of these rules, the term " heads of departments " should be held to include the following officers:—

1. The High Court.
1-A. The Honourable Chief Justice in respect of establishments in the High Court.
2. The Right Reverend the Lord Bishop of Madras.
3. The Director of Medical Services.
4. The Board of Revenue.
5. The Secretaries to Government.
6. The Chief Engineers to Government.
7. The Agent to the Governor-General, Madras State.
8. The Director of Public Instruction.
9. The Inspector-General of Police.
10. The Inspector-General of Prisons.
11. The Chief Conservator of Forests.
12. The Reverend the Presidency Senior Chaplain, Church of Scotland.
13. The Commissioner of Police.
14. The State Port Officer.
15. The Director of Public Health.
16. The Inspector-General of Registration.
17. The Director of Agriculture.
18. The Registrar of Co-operative Societies.
19. The Commissioner of Labour.
20. The Director of Industries and Commerce.
21. The Director of Survey.
22. The Director of Animal Husbandry.
23. The Commissioner of Excise.
24. The Commissioner for Government Examinations.
25. The Inspector of Municipal Councils and Local Boards.
26. The Examiner of Local Fund Accounts.
27. The Director of Cinchona Department.
28. The Chairman, Central Road Traffic Board, Madras.
29. The Director of Fire Services, Madras.
30. The Director of Fisheries.
31. The Commissioner, Hindu Religious and Charitable Endowments (Administration).
32. The Director of Town-Planning.

In the case of officers who are not subordinate to any of the above heads of departments, questions which call for disposal by heads of departments should be referred to the Secretary to Government in the department concerned.

(iii) *Last grade service* includes all service in the following appointments unless declared by the local Governments to be superior:—

(*a*) Service as peon, head peon, chobdar or daffadar.
(*b*) Service in posts the pay of which does not exceed Rs. 30.

All other service is superior.

*Note.*—Service in the following posts has been declared to be superior:—

(1) Police constable or warder in the Jail Department.

(2) Attenders in the Secretariat and other departments irrespective of the pay drawn.

(3) Petty Yard Officer in the Fisheries Department.

(4) Lock Superintendent and I.C. Subordinate in the Madras Engineering Subordinate Service.

(5) Attendant in the Mental Jail, Cuddalore.

(6) Maistri employed on anti-malarial schemes.

(7) Petty officers in the Jail Department including special petty officers in Borstal and Certified Schools.

(8) Firemen including firemen messengers, firemen labourers, firemen orderlies and ambulance attendants in the Madras Fire Subordinate Service.

(9) Telephone gumasthas, II grade, in the Madras Engineering Subordinate Service.

(10) Blue-Print Operators, I Grade in Branch I, Engineering Branch of the Madras Engineering Subordinate Service and in the Madras Highways Engineering Subordinate Service.

(11) Prohibition Guards in the Madras Excise Subordinate Service.

(12) Field Assistants in the Madras Public Health Subordinate Service.

(13) Workmen and Map Mounters in the Central Survey Office. Madras.

(14) X-ray attendants.

Animal attendant, Medical College, Madras.
Attendants (linen).
Cooks.
Tailors.
Maistries.
Algae collectors.
Gas makers.
Fitters.
Painters.
Blacksmiths.
Carpenters.
Assistant Mechanic, Stanley Hospital, Madras.
Mechanic (borewell).
Weaving Master, Grade II.
Laboratory attendants, Grade II, King Institute, Guindy.

## RULING.

The question whether a Government servant is in superior or last grade service should be decided with reference to the pay actually drawn by the Government servant at the time.

The fact that the post of muchi is included in the Madras Last Grade Service does not affect the question of treating the holder of that post as superior or last grade for the purposes of Fundamental Rules. The status of a particular individual should be decided with reference to subsidiary definition (iii) (*b*) under Rule 9.

(G.Os. Ms. No. 3580, L.A., dated 21st September 1937, and Ms. No. 320, Finance dated 8th May 1930.)

*Exception.*—The service of ex-state employees retained under section 60 (2) of the Estates Abolition Act shall for purpose of grant of leave and leave-salary be regarded as 'superior' if similar categories in Government service are treated as 'superior' irrespective of the pay drawn by them in the service of this State.

(Memorandum No. 5597-C.S.R.-2, dated 16th February 1952.)

## PART II.

## CHAPTER III—GENERAL CONDITIONS OF SERVICE.

**10.** Except as provided by this rule, no person may be substantively appointed in India to a permanent post in Government service without a medical certificate of health which must be affixed to his first pay bill. A local Government may make rules prescribing the form in which medical certificates should be prepared, and the particular medical or other officers by whom they should be signed. It may, in individual cases, dispense with the production of a certificate, and may by general order exempt any specified class of Government servants from the operation of this rule.

*Subsidiary Rules under Rule* 10.

1. No person except a military pensioner may be appointed (otherwise than as a menial paid from contingencies) to a permanent post (whether pensionable or not) under Government unless he has produced a certificate of age, health and vaccination in the form appended.

**FORM.**

*Certificate of Physical Fitness by* $\frac{\textit{a single Medical Officer}}{\textit{the Civil Medical Board}}$.

I/We do hereby certify that I/we have examined (full name) a candidate for employment under the Government of Madras in the service as and cannot discover that he/she has any disease, communicable or otherwise, constitutional affection or bodily infirmity except that his/her weight is $\frac{\text{in excess of}}{\text{below}}$ the standard prescribed, or except

I/We do not consider this a disqualification for the employment he/she seeks.

His/Her age is according to his/her own statement years and by appearance about years.

I/We also certify that he/she has marks of $\frac{\text{smallpox}}{\text{vaccination}}$.

Chest measurement in inches — on full inspiration / on full expiration / difference (expansion).

Height ft. in.

Weight in lb.

His/Her vision is normal.

Hypermetrouic ( )

(Here enter the degree of defect and the strength of correction glasses.)

Myopic ( )

(Here enter the degree of defect and the strength of correction glasses.)

A stigmatic (simple or mixed) ( )

(Here enter the degree of defect and the strength of correction glasses.)

Hearing is normal, defective (much or slight).

Urine—Does chemical examination show (i) albumen, (ii) sugar, state specific gravity.

Personal marks (at least two should be mentioned).

Signature *

Rank

Designation

Station

Dated † President.

Members (i)

(ii)

Station

Dated

The candidate must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the note below:—

1. State your name in full.

2. State your age and birth place.

3. (*a*) Have you ever had smallpox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks, rheumatism, appendicitis?

or

(*b*) any other disease or accident requiring confinement to bed and medical or surgical treatment?

4. When were you last vaccinated ?

5. Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy or insanity ?

6. Have you suffered from any form of nervousness due to overwork or any other cause ?

7. Furnish the following particulars concerning your family :—

| Father's age, if living, and stat of health. | Father's age at death and cause of death. | Number of brothers living, their ages and state of health. | Num er of brothers dead, thei ages at and causes of death. |
|---|---|---|---|
| (1) | (2) | (3) | (4) |

* In the case of single Medical Officer. † In the case of Medical Board

| Mother's age, if living, and state of health. | Mother's age at death and cause of death. | Number of sisters living, their ages and state of health. | Number of sisters dead, their ages at and causes of death. |
|---|---|---|---|
| (1) | (2) | (3) | (4) |

I declare all the above answers to be, to the best of my belief, true and correct.

Candidate's signature.

*Note.*—The candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and, if appointed, of forfeiting all claims to superannuation allowance or gratuity.

(G.O. Ms. No. 668, Finance, dated 12th April 1955.)

*Note.*—The forms in Annexure I-A shall invariably be used in the case of candidates selected by the Madras Public Service Commission. The form prescribed in Rule 10 shall be used in other cases.

2. The certificate prescribed above must ordinarily be signed by a Commissioned Medical Officer, or a Civil Medical Officer of rank not lower than a Civil Surgeon, or Honorary Medical Officers of Civil Surgeons' rank (viz., Honorary Physicians and Honorary Surgeons) or District Medical Officer, but in the case of a person whom it is proposed to appoint to a post the maximum pay of which is not more than Rs. 100 and who cannot conveniently be brought before an officer of higher rank, a certificate from an Assistant Surgeon or an Honorary Assistant Surgeon with the M.B.B.S. degree may, at the discretion of the appointing authority, be accepted. If the appointing authority is not satisfied with the certificate granted by an Honorary Assistant Surgeon, he may demand a second certificate from a non-honorary medical officer.

3. In the case of a Government servant who produced a medical certificate of fitness before the Madras Public Service Commission as a candidate for a post in Government service, no further medical examination should ordinarily be required before employment or confirmation:

Provided that in the case of an approved probationer who is not a full member of any other service, provincial or subordinate, the appointing authority may, if it has reason to believe that the probationer's physical fitness has seriously deteriorated since he satisfied the Commission, require him to undergo a fresh medical examination.

If the production of a further medical certificate is considered unnecessary, the certificate produce before the Madras Public Service Commission should be attached to the Government servant's first pay bill:

Provided further that an approved probationer who is not a full member of any service and who has produced before the Madras Public Service Commission a certificate of physical fitness signed by an officer lower in rank than that of a Civil Surgeon or a District Medical Officer shall not be appointed substantively to a post the maximum of the

scale of pay applicable to which is more than Rs. 100 per mensem unless he produces a medical certificate of physical fitness signed by a Commissioned Medical Officer or a Civil Surgeon or a District Medical Officer.

4. A Government servant in whom a defect has been noticed by the Medical Officer who granted him his first certificate of health may not be transferred from the office to which he was originally appointed to another office the duties of which are different in character except on production of a certificate from a Commissioned Medical Officer or a Civil Surgeon or a District Medical Officer to the effect that the defect will not materially interfere with the discharge of his new duties by the Government servant transferred.

5. The fact that a candidate trained in a Government training institution has produced a certificate of general health before admission into the institution will not relieve him of the necessity of obtaining a fresh certificate before admission into Government service.

6. A candidate from England seeking service in India under Government should be required to declare in his application for employment whether he has at any time been pronounced unfit for Government employment by the Medical Board at the India Office or any other duly constituted medical authority.

7. Every person selected for appointment as a Judge of the High Court or as Advocate-General, whether resident in India or England at the time of his nomination should be medically examined as to his physical fitness for service in India before appointment.

The Agent to the Governor in Visakhapatnam and the Government Agents, East Godavari and West Godavari are authorized to grant exemption from the age-rule on behalf of subordinates in the Education Department whose appointments vest in the Agents and the Agency Divisional Officers.

RULING.

Government servant retrenched and re-employed under Rule 4 of the Re-employed Personnel (Conditions of Service) Rules, 1932, should be subject to the same provisions as would for the time being, be applied to him if he were entering Government service for the first time in the date of his re-employment, i.e., he shall be subject to the provisions of Rule 10.

**11.** Unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from general revenues, from a local fund or from the revenues of an Indian State.

LINGS.

(1) The grant to members of permanent establishments in Government offices of any portion of the fees collected for the purpose of preparing and examining copies of documents granted to private parties is contrary to the principles contained in this rule and should not be permitted.

(G.O. No. 572, Finance, dated 4th September 1905.)

*Exception.*—The monegar, the clerks and the peons of the Amindivi islands are allowed to receive the fees collected for the preparation and examination of copies of documents granted to private parites in the islands.

(G.O. No. 377, Finance, dated 6th June 1905.)

(2) In the Revenue Department, Collectors have been authorized to permit the members of the regular establishment, in places where piece-workers are not available, to do copying work and receive fees therefor.

(Memo. No. 17135-Exp.-1, Finance, dated 14th September 1928.)

(3) Clerks under the Commissioner of Police and the District Superintendents of Police, who do the work of supplying to firms extracts from the register of motor vehicles or who prepare quarterly statements furnishing particulars of new registrations of motor vehicles are allowed to receive at the end of each month an honorarium not exceeding half the amount of fees credited during that month.

When piece-workers are not employed to do the copying of public documents furnished on the application and at the cost of private parties, the Central Road Traffic Board may permit its typists to do the same and to receive fee for it at the rates prescribed in the standing orders of the Board of Revenue.

[G.O. Ms. No. 3538, Law (General), dated 27th September 1932, and G.O. Ms. No. 2197, Home, dated the 6th May 1941.]

(4) Rates of remuneration for typing copies of records in disciplinary cases in the Jail Departments—

Typists in the Jail Department who take copies of records, to be supplied on payment of charges at the rate of 3 annas for every 175 words or fraction thereof in copy stamped papers, are paid remuneration at the rate of one anna for every 175 words. The amount to be paid to the typists will be calculated at the end of every month and drawn from the treasury as honoraria and disbursed to them. No remuneration is admissible in cases where copies of records are given free of charge.

(G.O. Ms. No. 5368, Home, dated 11th October 1939.)

12. (*a*) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(*b*) A Government servant cannot be appointed substantively, except as a temporary measure, to two or more permanent posts at the same time.

(*c*) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

2-A. Unless in any case it be otherwise provided in these rules, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

13. Unless his lien is suspended under Rule 14 or transferred under Rule 14-B, a Government servant holding substantively a permanent post retains a lien on that post—

(*a*) while performing the duties of that post;

(*b*) while on foreign service, or holding a temporary post, or officiating in another post;

(*c*) during joining time or transfer to another post; unless he is transferred substantively to a post on lower pay in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(*d*) subject to the exception in Rule 97, while on leave; and

(*e*) while under suspension.

*Note.*—In the case of a chaplain, the acceptance during leave of a benefice in the United Kingdom is not acceptance of foreign service for the purpose of clause (*b*) above.

**14.** (*a*) A local Government shall suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity—

(1) to a tenure post, or

(2) to a permanent post outside the cadre on which he is borne, or

(3) provisionallys to a post on which another Government servant would hold a lien had his lien not been suspended under this rule.

(*b*) A local Government may, at its option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by clause (*a*) of this rule, is transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a peried of not less than three years.

(*c*) Notwithstanding anything contained in clause (*a*) or (*b*) of this rule, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(*d*) If a Government servant's lien on a post is suspended under clause (*a*) or (*b*) of this rule, the post may be filled substantively, and the Government servant appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

*Note* 1.—This clause applies if the post concerned is a post in a selection grade of a cadre.

*Note* 2.—When a post is filled substantively under this clause, the servant appointed will hold a provisional lien on the post; and that lien will be liable to suspension under clause (*a*) or (*b*) of this rule.

(*e*) Except as provided in sub-rule (3) of Rule 97, a Government servant's lien which has been suspended under clause (*a*) of this rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause (1), (2) or (3) of that clause.

(*f*) A Government servant's lien which has been suspended under clause (*b*) of this rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive

because the Government servant takes leave, if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-clause (1), (2) or (3) of clause (*a*).

*Delegation under Rule* 14 (*b*).

(1) A head of department is empowered to suspend a lien in respect of any post to which it or an authority subordinate to it can appoint.

(2) The Curator, Madras Record Office, is empowered to suspend the lien of the members of the staff of his office working in other offices

*Instruction under Rule* 14 (*b*).

*The lien of an officer cannot be suspended while he is on probation in another post. If the officer completes the period of probation satisfactorily, suspension of lien may be made with retrospective effect from the date on which the officer was trnsferred to other duty, provided that the conditions in Rule* 14 (*b*) *are otherwise satisfied.*

**RULINGS.**

**Provisionally substantive appointments.**

(1) The period of three years prescribed in this rule applies to the probable duration of the absence of any particular officer from his own substantive appointment and not to the permanency of the post to which he is transferred.

In the case of posts sanctioned for a shorter period and subsequently extended to three years, suspension of lien is permissible from the date of the creation of the temporary post; but whether provisionally substantive arrangement is permissible from this date or from any subsequent date is a matter which is entirely at the discretion of the head of the office or of the Government.

(G.I., F.D., No. 172, C.S.R., dated 10th March 1913.)

(2) The term 'cadre' used in Rule 14 (*b*) will, according to the definition in Rule 9 (4) as amended in the Government of India, Finance Department Resolution No. F. 1 (9)-R.I./36, dated the 9th July 1936, apply to all the posts in a service sanctioned as a separate unit. The expression 'separate unit' is meant to cover all posts in a service, appointments to which are made by the same authority.

(G.O. Ms. No. 386, Development, dated 15th February 1937.)

(3) The expression 'separate unit' in the above sub-paragraph is intended to apply to posts in different offices or establishments and not to those in the same office or establishment.

(Memorandum No. 3292-E/41-2, dated 30th October 1941.)

(4) The suspension of the lien of an officer under Rule 14 (*b*) is permissible only in the case of transfers to another service and not where an officer in the subordinate service is promoted to the corresponding State service.

(G.O. Ms. No. 2142, Development, dated 5th October 1942.)

(5) With effect from the 27th November 1944, the suspension of lien under Rule 14 (*b*) is not permissible when a Government servant holding a lien on a permanent post is promoted to another post in the same service or department.

(G.O. Ms. No. 639, Finance, dated 27th November 1944.)

(6) The Board of Revenue is empowered to suspend the lien of the members of its staff deputed to the districts as Tahsildars and Deputy Tahsildars.

(7) The Director of Public Instruction is empowered to suspend the lien of the members of the staff of his office transferred to the Educational Subordinate Service provided that the conditions laid down in Rule 14 (*b*) are satisfied.

(G.O. Ms. No. 1083, Finance, dated 21st September 1949.)

(8) Under the existing provisions of Fundamental Rule 14, it is possible for more than one person to be appointed in a provisionally substantive capacity against a single post. Inasmuch as the pay of a Government servant in his provisionally substantive post is being treated as 'substantive pay' for purposes of fixation of pay on his appointment to another post, the present rule confers unintended benefits on all the individuals so appointed. The Government have, therefore, decided that the operation Fundamental Rule 14 should be restricted so as to permit only one provisionally substantive appointment against one post. Accordingly, the lien acquired by a Government servant on his appointment in a provisionally substantive capacity under clause (*d*) of the rule should not in future be suspended if he is deputed out of India or is transferred to a post of the nature specified in clause (*b*) of the rule.

(G.O. Ms. No. 942, Finance, dated 25th May 1955.)

**14-A.** (*a*) Except as provided in clause (*c*) of this rule and Rule 97, a Government servant's lien on a post may in no circumstances be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(*b*) In a case covered by sub-clause (2) of clause (*a*) of Rule 14, the suspended lien may not, except on the written request of the Government servant concerned, be terminated while the Government servant remains in Government service.

*Note.*—The competent authority may refuse consent to a Government servant being confirmed or retained in a permanent post outside the cadre on which he is borne unless he makes a written request that his lien on the permanent post in his parent office should be terminated.

(*c*) Notwithstanding the provisions of Rule 14 (*a*) the lien of a Government servant holding substantively a permanent post shall be terminated on his appointment substantively to any of the offices referred to in sub-rule (1) of Rule 97 or to the post of Chief Engineer of the Public Works Department.

**14-B.** Subject to the provisions of Rule 15, a local Government may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

*Delegation under Rule* 14-*B.*

A head of a department is empowered to transfer a lien provided that it or an authority subordinate to it is authorized to make appointments to both the posts concerned.

**15.** (*a*) A local Government may transfer a Government servant from one post to another; provided that, except—

(1) on account of inefficiency or misbehaviour, or

(2) on his written request,

a Government servant shall not be transferred substantively to, or, except in a case covered by Rule 49, appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under Rule 14.

(*b*) Nothing contained in clause (*a*) of this rule or in clause (13) of Rule 9 shall operate to prevent the retransfer of a Government servant to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (*a*) of Rule 14.

**16.** A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the Secretary of State in Council may by order prescribe.

**17.** (1) Subject to any exceptions specifically made in these rules and to the provisions of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties.

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or specific orders of the authority by whom he is appointed.

*Instructions under Rule 17.*

*1. Ordinarily, the duties of a post shall be assumed and given up by the relieving and relieved Government servants simultaneously at headquarters, both of them being present. They should both sign a certificate indicating the place and the date and hour at which the change in the incumbency of the post has taken place. The transfer should ordinarily not take place on a Sunday.*

*2. The Government in the case of heads of departments and the head of the department concerned in other cases, may direct that the transfer shall be effected at a specified place other than the headquarters or that the two Government servants concerned shall communicate to one another by post or telegram that they have respectively assumed or given up the duties of a post with effect from a specified date.*

(G.O. Ms. No. 757, Finance, dated 2nd July 1951.)

*The above directions may be issued only for special reasons of a public nature or when a Government servant, who has been transferred, is spending a vacation at a place other than his headquarters. The exact nature of the reasons should be recorded as a part of the order, full consideration being given to the financial effect which the order will produce.*

*3. A Government servant will begin to draw the pay and allowances attached to his tenure of a post with effect from the date on which he assumes the duties of that post if the charge is transferred before noon of that date. If the charge is transferred afternoon, he commences to draw them from the following day. This rule does not, however, apply to cases in which it is the recognized practice to pay a Government servant at a higher rate for more important duties performed during a part only of a day.*

RULINGS.

(1) A person recruited in the United Kingdom and provided with a free first or second class passage to India on first appointment by the State Government may, unless otherwise directed, draw pay from a date ten days prior to the date of embarkation for India but the rate of pay to be drawn up to the date of his reporting himself for duty in India shall be two-thirds of the pay which he would draw, if he were on duty.

(G.O. Ms. No. 540, Finance, dated 5th July 1926.)

(2) Transfer of an officer is not completed until the certificate of transfer of charge has been signed by both the relieving and the relieved Government servants. When once signed, the relieved Government servant must be regarded as on joining time and must take charge of his new office before its expiry. Ordinarily, the transfer should be completed before the

expiry of the joining time of the relieving Government servant and it is his duty to arrive at the place of transfer in time to enable him, within his joining time, to complete the transfer. In cases in which the relieving Government servant does not sign the transfer certificate within this period, he should be treated as having exceeded his joining time.

(G.O. No. 633, Finance, dated 4th October 1906.)

(3) In cases where store-keepers in the Agricultural Department are transferred and the transfer of charge is prolonged so that two Government servants will be entitled to draw pay and allowances simultaneously for the same appointment, the procedure laid down in paragraph 513 of the Madras Public Works Account Code should be followed. The Deputy Director of Agriculture will certify whether the period spent is reasonable or not.

The Director of Agriculture is empowered to sanction a reasonble period up to a maximum of five days for handing and taking over charge by the Marketing Assistants and Agricultural Demonstrators and to permit them to draw pay and allowances simultaneously in the same post for the period. He should certify whether the time spent is reasonable or not. The procedure laid down in paragraph 513 of the Madras Public Works Account Code should be followed.

(G.O. Ms. No. 1971, Development, dated 27th October 1930, and G.O. No. 765, Development, dated 25th February 1947.)

The Director of Agriculture is empowered to sanction a reasonable period up to a maximum of seven days for handing and taking overcharge by the incoming and outgoing Agricultural Engineering Supervisors and Store-keepers in the Agricultural Engineering Sections and to permit them to draw pay and allowances simultaneously in the same post for the period. He should certify whether the time is reasonable or not. The procedure laid down in paragraph 513 of the Madras Public Works Account Code should be followed.

(Finance Memo. No. 69417-C.S.R.-4, dated 23rd November 1954.)

(4) In cases involving transfer of charge of an officer elsewhere than at headquarters, the exact nature of the reasons should be expressed on the face of the record and that Audit Officers should challenge all orders in which this has not been done—*vide* the second sub-paragraph of Instruction (2) under Rule 17.

(G.I., F.D., letter No. F.-227-C.S.R./26, dated 23rd July 1926, and Comptroller and Auditor-General's letter No. 909 Admn./175-A.-26, dated 7th September 1926.)

(5) If, in consequence of the absence during vacation of a Government servant whose leave is governed by Rule 82, it is necessary to place another Government servant in charge for the performance of work that may arise during the vacation such charge must be arranged for without extra expense to Government.

(G.O. No. 806, Public, dated 16th August 1900.)

## Dates of appointment and reversion of Military Officers lent to Civil Departments.

(6) In the event, however, of an officer proceeding on leave direct from the borrowing department, his services will be replaced at the disposal of the lending department from the date following the date of termination of the leave on average pay or privilege leave, as the case may be, granted by the borrowing department. The allocation of transit pay and allowances, travelling allowances and leave salary will, in such cases, be governed by the ordinary rules, irrespective of the date of reversion.

[G.O. Ms. No. 2191, Public (Political), dated 6th November 1940.]

(7) Sergeants-Major and Accountants-in-charge of District Police Stores may be allowed by the District Superintendent of Police, extra joining time to cover the actual period of transfer of charge, subject to a maximum of three working days.

(G.O. Ms. No. 2038, Home, dated 10th July 1946.)

(8) The Manager, Central Police Stores, Madurai, may be allowed by the District Superintendent of Police, Madurai, extra joining time to cover the actual period of transfer of charge, subject to a maximum of five working days.

(G.O. No. 3488, Home, dated 7th November 1946.)

(9) In cases where Store-keepers in the Medical Department in Madras City are transferred from one institution to another and the transfer of charge is prolonged, so that two Government servants will be entitled to draw pay and allowances simultaneously for the same appointment, the procedure laid down in paragraph 513 of the Madras Public Works Account Code should be followed.

The heads of the institutions concerned should certify whether the period spent by the Store-keepers on handing and taking over charge of the stores is reasonable or not. In any case, the period should not exceed a maximum of five days exclusive of the joining time admissible.

(Finance Memo. No. 65902-C.S.R.-2, dated 3rd October 1952.)

**18.** Unless the Governor-General in Council, in view of the special circumstances of the case, shall otherwise determine, after five years' continuous absence from duty elsewhere than on foreign service in India, whether with or without leave, a Government servant ceases to be in Government employ.

## PART III.

## CHAPTER IV—PAY.

**19.** (1) Subject to the provisions of rules made under section 45-A of the Act, and to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor-General in Council or the Governor in Council as the case may be, the fixation of pay is within the competence of a local Government provided that the pay of a Government servant shall not be so increased as to exceed the pay sanctioned for his post without sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

(2) Notwithstanding any restrictions referred to in, or imposed by, sub-rule (1) of this rule, a local Government may grant—

(i) personal pay as defined in clause (*a*) of sub-rule (23) of Rule 9 to any Government servant;

(ii) special pay not exceeding Rs. 150 a month to any member of the Indian Forest Service employed on research work;

(iii) special pay not exceeding the following scales to any member of the Indian Forest Service specially appointed as Working Plans Officer or appointed to assist a Working Plans Officer for the period during which the officers are specially employed on such work :—

| | |
|---|---|
| Working Plans Officer ... ... | Rs. 100 per mensem. |
| Assistant Working Plans Officer ... | Rs. 50 per mensem. |

(iv) special pay not exceeding the above scale to any member of the Indian Forest Service who is a Divisional or District Forest Officer and is entrusted with the compilation of a working plan in addition to his ordinary duties or who is appointed to assist in the compilation of such a plan;

(v) special pay [in cases other than those provided for in clauses (ii) to (iv) above], personal pay as defined in clause (*b*) of sub-rule (23) of Rule 9 to any Government servant for a period not exceeding two years in the case of each such grant, provided that—

(*a*) the total pay of the Government servant, inclusive of special pay and personal pay, shall not exceed Rs. 4,000 a month;

(*b*) if the local Government is the local Government of a Governor's Province, the amount of such special or of such personal pay, or of both, shall not, without the previous sanction of the Governor-General in Council, exceed one-fifth of the pay (exclusive of special and personal pay) of the Government servant or Rs. 10 a day, whichever is less;

(*c*) the limit of two years shall not apply in the case of Indian Medical Service Officers granted special pay for attending on Railway employees.

*Note.*—The Secretary of State has decided that pending the issue of rules in respect of officers under his rule-making control, Provincial Governments need not seek his sanction to the grant of personal pay or special pay for periods exceeding 2 years provided that the amount of personal or special pay or both does not exceed one-fifth of the person's pay or Rs. 10 a day, whichever is less, as laid down in Fundamental Rule 19 (2) (v).

It has been held in consultation with the Auditor-General that the existing two years' restriction and the limit of Rs. 4,000 prescribed in Fundamental Rule 19 (2) (v), no longer subsist, that the words 'person's pay' refer to substantive pay which includes overseas pay and that in the calculation of the one-fifth limit only such special and/or personal pays as have been sanctioned by Government in India need be taken into account.

## RULINGS.

(1) It is not the intention of Rule 19 (1) that it should give a State Government power to grant less pay than is permissible under Rules 22 and 23.

(2) The rule does not give a State Government power to grant pay in excess of what is permissible under other rules in the Fundamental Rules. Thus it does not enable a State Government to grant an initial pay higher than what is permissible under Rule 22. But once an initial pay is fixed under Rule 22, Rule 27 enables an authority mentioned therein to grant advance increment immediately. Thus in fact, Rules 22 and 27 read together enable an authority mentioned in Rule 27 to fix initial pay in excess of the amount permissible by Rule 22 only.

(Comptroller and Auditor-General's letter No. 1164-A/408-23, dated 20th November 1923.)

(3) It is not the intention of Rule 19 that it sould give a State Government power to grant less pay than is permissible under Rules 22 and 23.

The limit of two years referred to in Rule 19 (2) (v) is intended to apply to individuals and the two years' limit should therefore be taken from the date of appointment of each incumbent.

(G.I., F. & P., letter No. F.-70 (5)-R/31, dated 5th May 1931, to the late Pay and Accounts Officer, Bangalore.)

**Pay of Millitary Officer placed rn the unemployed list under Army Instruction (India), No. 82 of 1934, when re-employed.**

(4) Military officers who are placed on the unemployed list under Army Instruction (India) No. 82 of 1934, and who obtain further employment under any Government or administration will continue to enjoy their unemployed pay in full, irrespective of the amount of the pay of their new appointment.

The cases of such officers will, however, be treated as if they fell under Article 526 (*a*), Civil Service Regulations, according to which the Government or administration re-employing them can take their unemployed pay into consideration in fixing the pay of their new appointments.

*Note.*—(1) Variations in the emoluments of special unemployed list of officers employed in civil appointments of a somewhat similiar charater are likely to be a source of embarrassment. While special cases will no doubt arise which call for exceptional treatment it is desirable that as far as possible the conditions of re-employment of all officers on the special unemployed list should be brought under one general rule.

Aggregate emoluments to be drawn by an officer of the special unemployed list employed under the Union Government and paid from the Consolidated Fund of India should normally exceed those which would be admissible to an officer of the active list holding the same appointment.

When such officers are re-employed either on—

(i) emoluments additional to special unemployed list pay, or

(ii) consolidated rates of pay inclusive of special unemployed list pay, the value of the concessions admissible under paragraph 5 (*c*) of Army Instruction No. 82 of 1934 of refund of one-half of the subscriptions to the Indian Military Widows and Orphans Fund and Indian Military Service Family Pension Fund shall be taken into account in assessing the emoluments of officers of category (i) during re-employment and that the concession shall not be granted to officers of category (ii) during the period of their re-employment.

(G.O. No. 458, Finance, dated 25th July 1937.)

(2) The adjustment in respect of subscriptions to the abovementioned funds made by officers of the special unemployed list re-employed in India on emoluments *additional* to the special unemployed list pay when the latter continues to be issued in the United Kingdom, should be effected by the issue in India to the officer of the appropriate emoluments and in the United Kingdom of special unemployed pay, less subscription at *full rates*.

(G.O. No. 109, Finance, dated 18th April 1939.)

(5) *Admissibility of civil pay to British soldiers employed in the civil departments when undergoing vocational training.*—Save in exceptional circumstances, British soldiers employed in civil departments should, during the period of their vocational training, receive the pay of their civil appointments which is debitable to the consolidated fund and not the pay and allowances of their military rank or appointment.

In the case of a military pensioner employed as a peon in the office of the Executive Engineer, Cochin Harbour Division, the Government of India, in the Commerce Department, stated that the intention of the revised Article 526 (*a*) of Civil Service Regulations is that when a person who has earned a military pension is re-employed in a civil department, his pay should be so fixed that his pay *plus* military pension does not ordinarily exceed the pay of the post.

The pay in the civil department of military pensioners re-employed as menials paid from contingencies can be fixed by heads of departments, or other officers empowered to draw contingent bills, with reference to prevailing market rates. It is open to these authorities to reduce the pay of the military pensioners in such cases, if it is considered that the total receipts of the pensioner (pay *plus* pension) are out of proportion to the work to be done.

In regard to the fixation of pay of military pensioners on their re-employment in civil departments, it has been ordered that where there is a break in the service of a pensioner, after the first re-employment, the pay fixed by the Government previously should be applied on his re-appointment to the same or a different office carrying the same scale of pay.

*Note*—In the case of pensioners in receipt of military pension of Rs. 15 and below, who are or may be employed in the civil department, the pension should not be taken into account in fixing the civil pay. These orders shall have effect from 10th January 1941 and the pay of such re-employed pensioners already fixed by Government in the past taking into account the pension drawn by them, can with effect from the same date be also refixed without a reference to Government at what it would have been but for that fixation. No arrears of pay should, however, be allowed.

The orders above will apply also to cases of ex-military men who are in receipt of a gratuity in lieu of a military pension not exceeding Rs. 15 a month.

G.Os. Ms. No. 1595, P.H. dated 29th April 1938, No. 107, Finance, dated 17th April 1939, No. 2971, Revenue, dated 17th November 1938, No. 22, Finance, dated 10th January 1941, No. 119, Finance, dated 5th March 1941, No. 888, Finance (Pension), dated 9th July 1941, and No. 580, Finance (Pension), dated 26th September 1941.

**Fixation of pay of a Military Pensioner on his re-employment in the Civil Department.**

(6) Under the revised Article 526 (*a*) of the Civil Service Regulations, the power to fix the pay of a person, who is in receipt of a military pension and who seeks employment in the civil department, is vested in the authority competent to fix the pay and allowances of the post. The principle underlying this article is that the authority re-employing a military pensioner should see that the total emoluments of the pensioner (*i.e.*, military pension *plus* civil pay) are not too much for the work to be done. Each case has, therefore, to be decided on its merits, regard being had to the amount of military pension and the pay of the post in which the pensioner is employed.

[G.O. Ms. No. 1015, Law (General), dated 22nd March 1935.]

**Conditions under which the special pay attached to posts held by All-India or Central Services could be reduced or abolished.**

(7) The following principles should be adopted in deciding upon reductions of special pay whether in the All-India or Central Services:—

(*a*) Where the post is borne on the cadre of a service or is reserved for members of a service, the special pay should not be reduced for existing members of service, unless the conditions which originally led to the grant of the special pay have disappeared or changed.

(*b*) Where the post is not borne on the cadre of a service or is not reserved for the members of any particular service, the special pay may be reduced on any grounds which Government consider reasonable, for officers at present in service whether protected or not protected.

*Note.*—The principle (*b*) above can be applied only to cases in which special pay is reduced or withdrawn on a change in the incumbency of a post.

The above rulings apply only to permanent special pays and not to temporary ones.

**Fixation of pay under the ' next below ' rule.**

(8) The following guiding principle has been laid down for the working in future of (the convention usually known as) the ' next below ' rule as affecting officiating promotions:—

The intention of the so-called rule is that an officer out of his regular line should not suffer by forfeiting acting promotion which he would otherwise have received had he remained in his regular line. From that it follows that the fortuitous acting promotion of someone junior to an officer, who is out of the regular line does not, in itself, give rise to a claim under the ' next below ' rule. Before such a claim is established, it should be necessary that all the officers senior to the officer who is out of the regular line have been given acting promotion, and also the officer next below him, unless in any case the acting promotion is not given because of inefficiency, unsuitability or leave. In the event of one of these three bars being applicable to the officer immediately below the officer outside his regular line, then some other officer, even more junior, should have received acting promotion and the officers, if any, in between should have been passed over for one of these reasons.

[G.O. No. 576, Public (Services), dated the 21st March 1936.]

*Note.*—(1) All cases involving the grant of concession of so-called ' next below ' rule should, subject to the observance of the guiding principle for its working, be regulated under the second proviso to Rule 30 (i) either by the President of the Republic of India or the Governor, as the case may be, without any reference to the President of the Republic of India.

(2) (i) Holders of special posts such as Secretray to a Governor or a Secretary to a State Government should be ready to accept loss of officiating promotions to higher posts in the ordinary line for short periods in consequence of their incumbency of special posts and when the stage is reached at which their retention involves loss of substantive or lengthy officiating promotions the proper course would be to make arrangements to enable them to be released from the special posts rather than to compensate them for the loss of officiating promotion under the ' next below ' rule.

[Letter No. 150/41, Establishments, dated 23rd April 1942, from the Government of India, Home Department, Government of India (Home), letter No. 277/42 Estt. dated the 4th January 1944, communicating extract of India Office letter No. S.N.G., 2688/43, dated 29th October 1943.]

(ii) The above decision was not intended to modify in any way the working of the ' next below ' rule. If therefore the conditions laid down in the rule are satisfied in the case of , he should be given the benefit of it; otherwise his case should be dealt with in accordance with the ruling given in the following paragraph:—

(*a*) The words ' short periods ' in paragraph (i) above, shall be interpreted as meaning periods not exceeding three months and that in cases where an officer is deprived of officiating promotion to a higher paid post owing to it being impracticable, for the time being, to release him from a post outside the ordinary line, no compensation shall be granted in respect of the first three months of his retention in the lower paid post unless the conditions of the ' next below ' rule are satisfied.

(b) In cases where the period for which officiating promotion is lost exceeds three months, the officer concerned may be granted the pay of the higher paid post for the excess period, but arrangements should be made *wherever possible* to avoid depriving officers of lengthy periods of officiating promotion.

(iii) Save in exceptional circumstances, no officer to whom the 'next below' rule would apply should be retained in a lower-paid post for more than six months beyond the date on which he becomes due to officiate continuously in a higher post.

(3) The question arises whether the period spent in the Defence Services by a Government servant, who holds substantively a permanent post in Civil Employ and has been granted an Emergency Commission should, on his appointment on return from Military duty to a higher post in which he would have officiated but for his absence on such duty, be allowed to count for increments in the time-scale of the higher Civil Post. If posts in the Defence Services held by permanent civil officers who have been granted Emergency Commissions are specified as posts "outside the ordinary line of a Service" for the purpose of the second proviso to Rule 30 (1) by the State Government in respect of their own officers including officers under the rule-making control of the President of the Republic of India, no difficulty will arise in the matter of counting of any periods spent in Military Service by a substantive Civil Government servant during which he would but for his absence from the regular line have officiated in a higher post towards increments in the time-scale of the higher post. If under the President of the Republic of India *ad hoc* rule of 14th April 1942, the Governor in his individual judgment specifies posts in the Military side held by Civil Officers granted Emergency Commissions as being outside the ordinary line of a service for purposes of the second proviso to Rule 30 (1), the Comptroller and Auditor-General will be prepared to accept in audit such specification as covering cases of promotion of President's Officers even prior to the 14th April 1942, if the necessary declaration is made now by the Government of Madras in respect of these cases.

(9) The determining event for the application of clause (*b*), old or new, as the case may be, of Article 526, Civil Service Regulations, is the date when a person is granted his military pension and not the date when he originally obtained employment in the Civil department.

(Comptroller and Auditor-General's Endorsement No. 91-A/216-37, dated 14th February 1938.)

(10) (*a*) An officer holding any post substantively should not lose in his substantive pay on his promotion to a higher post on the revised scale of pay. Under clause (i) of sub-rule (2) of Rule 19, if the substantive pay of an officer is higher than the maximum of the new revised time-scale of pay of a post to which he is promoted, or the new revised pay of such post if it is on a fixed rate of pay, the difference shall be made good by the grant of personal pay.

(*b*) In cases where a Government servant, who is granted personal pay to make good the loss in substantive pay on promotion from a lower post to a higher post in the revised scale of pay, is promoted to another higher post, the personal pay also should be taken into account in fixing his pay in the third higher post notwithstanding the provisions of Rule 9 (28).

*Example.*

An officer, drawing a substantive pay of Rs. 500 in the old scale of Rs. 300—20—500, was promoted substantively to a higher post on the existing revised scale of Rs. 300—50/2—450. His pay in the higher post was fixed at Rs. 450 *plus* personal pay Rs. 50. He was again promoted to a still higher post on the new revised scale of Rs. 415—35/2—520 and his pay in this post was fixed at Rs. 520, with reference to the above orders.

(Memo. No. 24864-C.S.R.-1, Finance, dated 8th January 1943, Memo. No. 3085-C.S.R.-1, Finance, dated 9th February 1943, Memo. No. 836-E-43-B-1-H.D., dated 18th January 1943, and G.O. No. 555-P.S., dated 28th March 1938.)

(11) Personal pay should not be granted to officers under its rule-making control by State Governments under Rule 19 (2) (*v*) to compensate them for loss of basic pay in the time-scale when appointed to posts whose maximum basic pay given in Schedule VIII to the Superior Civil Service Rules is less than the officer's basic pay in the time-scale since such sanction will have the effect of evading the maximum limits fixed for such posts. The proper course is to obtain the President's sanction for the relaxation of the maximum limit of pay for the post.

(12) A permanent Government servant on deputation for whole time duty connected with Air Raid Precaution measures should, if considered fit, be promoted to a higher post in his due turn in the permanent service under "Rule 8 of the General Rules for State and Subordinate Services". He is not, however, entitled under this rule to the higher pay, if any, which he would get if he had not been so deputed. In order to protect Government servants deputed for Air Raid Precaution work in respect of the higher pay, the difference between what they get and what they would get on promotion in the ordinary line should be paid as personal pay and

that the period for which such personal pay is drawn should count for increments in the regular line in the scale applicable to the higher post.

[G.O. No. 761, Public (Services), dated 7th March 1942.]

(13) In the case of re-employment of officers who before their retirement were under the rule-making control of the President of the Republic of India the authority competent to fix the pay and allowances of the appointments in which they are employed can decide whether the pension is to be held wholly or partly in abeyance or not.

(14) In the case of pensioners drawing pensions exceeding Rs. 10 per mensem, who are re-employed by heads of departments under the powers delegated to them, for a period exceeding one year, ordinarily only the substantive pay prior to retirement should be taken as the basis in fixing the pay of re-employed officers but there is no objection to officiating pay being taken as the basis where this course is considered desirable. This is a concession which has been allowed in some cases. The working principle followed in fixing the emoluments of a re-employed pensioner is that the pay on re-employment together with his pension *should not exceed* the pay last drawn by the individuals. The pay may, therefore, be fixed suitably with reference to the nature of the duties which are enjoined on the re-employed pensioner within the maximum limit imposed by the working principle. Since the scale of pay of a post is usually fixed with reference to the duties attached to that post a retired Government servant employed in that post need not be given pay exceeding the maximum of the time-scale.

G.O. Ms. No. 569, Finance (Pension), dated 7th December 1943, and G.O. Ms. No. 577, Financ (Pension), dated 11th December 1943.]

(15) Re-employed pensioners who are in receipt of superannuation or retiring pensions and are re-employed temporarily for specific periods should not be given the benefit of the revised scales of pay. Their pay and pension should not together exceed the pay last drawn by them while in service. This rule will not, however, apply to persons, who retired on compensation or invalid pensions long before they attained the age of 55 years as unfit for service in a particular post or department, and ex-military personnel who are subsequently re-employed on a permanent footing in a different post or department. The pay of persons of the latter class may be fixed in the appropriate revised scales of pay in accordance with the provisions of Article 514, Civil Service Regulations. A re-employed pensioner may, in addition, be allowed to draw the specal pay attached to the post in which he is re-employed.

(Memo. No. 45314-C.S.R., dated 5th July 1951, and Memo. No. 65116-A-C.S.R.-1, dated 5th September 1952.)

**20.** When a Government servant is treated as on duty under Rule 9 (6) (*b*), the local Government may, at their option, authorize payment to him of the pay of his substantive appointment or of any lower rate of pay which the local Government may consider suitable. If the duty consists in a course of training or instruction the pay admissible may, if the local Government so direct, be, instead of either of the rates just specified, the pay of any officiating appointment held by the officer at the time he was placed on such duty, but this rate of pay shall not be allowed for a period longer than that for which the officer would have held the officiating appointment had he not been placed upon a course.

*Note.*—An officer of the Statistics Department deputed to undergo special courses of training in "Statistics" at the expense of Government shall execute a bond for an amount equal to the total expenditure to be incurred by the Government in respect of the training. He shall further be required to serve the Government after undergoing training for a period of not less than one year for every three months of training undergone subject to a maximum of five years failing which he shall refund the amount specified in the bond.

## RULINGS.

(1) The expressions "the pay of his substantive appointment" and "the pay of any officiating appointment" occurring in Rule 20 should be taken to mean the pay which the Government servant drew in the post which he held substantively and the pay which the Government servant drew in the post in which he officiated respectively. In neither case is there any restriction on the kind of "pay" to be drawn, and the expressions should therefore be held to include special pay, if any, which the Government servant drew in the post which he held substantively or in an officiating capacity.

(2) *Fixation of pay of a Government servant who is treated as on duty during a course of instruction or training and who, at the time when he was placed on such duty, was drawing higher pay on account of an officiating appointment.*—A Government servant who is treated as on duty during a course of instruction or training and who, at the time when he was placed on such duty, was drawing a higher pay on account of an officiating appointment may on every occasion during the period of instruction or training when he would have held that officiating appointment but for such instruction or training, be allowed to draw pay equivalent to what he would have drawn had he been holding the officiating appointment.

(3) A Government servant deputed to undergo a course of training while officiating in an appointment should not be allowed during the period of training anything higher than his substantive pay without the special sanction of Government.

(G.O. No. 476, Finance, dated 2nd June 1925.)

*Note.*—Officiating Superintendents of the Secretariat and of the Board of Revenue, Madras, who are deputed to undergo training in the Madras Revenue Subordinate Service will draw during such training the pay which they drew in the officiating post held by them prior to the deputation and which they would have continued to hold but for the deputation.

[Government Memo. No. 18201-A, Finance (C.S.R.)-2, dated 13th March 1953.]

### Pay of candidates undergoing training in the maintenance of revenue records and registration.

(4) Candidates undergoing this training may draw during the period, the pay of the officiating post held by them for so long a period as they would have held the officiating post had they not been deputed for the training.

(G.O. Ms. No. 1273, Revenue, dated 6th August 1926.)

### Pay of revenue subordinates undergoing training in angular survey.

(5) The Board of Revenue may permit the revenue subordinates undergoing training in angular survey with a survey party to draw during the period of their training the pay of any officiating appointment held by them at the time when they were deputed for such training and for so long a period as they would have held the officiating post had they not been deputed for such training.

(G.O. No. 466, Revenue, dated 2nd March 1931.)

### Pay of revenue subordinates undergoing Taluk Head Accountant's training.

(6) Collectors are empowered to permit the clerks of the Revenue Department deputed to undergo Taluk Head Accountant's training to draw during the period of training the pay of any officiating appointment held by them, at the time they were deputed for such training. But this rate of pay should only be allowed for a period during which the clerk would have held the officiating appointment had he not been deputed for the training.

G.O. Ms. No. 1922, Revenue, dated 25th August 1928.)

**Pay of purely officiating Government servants while on training.**

(7) If an officiating Government servant holding no substantive appointment under Government is deputed to undergo training or a course of instruction, a temporary post should be created for the period of training on a scale of pay not higher than that of the post in which he last drew his pay and the temporary vacancy in the officiating post vacated by him filled up in the ordinary course. The requisite sanction to the creation of such a temporary post must be obtained before the person is deputed for training or instruction. The period of training will not, however, count for increment in the officiating post, if the scale of pay of the temporary post is not identical with that of the former post.

The creation of a temporary post will be necessary only if it is proposed to appoint a substitute in the place of the officiating Government servant deputed for training.

(G.O. Ms. No. 814, Finance, dated 8th October 1925; G.O. No. 950, Revenue, dated 30th April 1928 and G.O. No. 641, Finance, dated 23rd October 1934.)

(8) Approved probationers in the category of lower division clerks, officiating upper division clerks promoted from the lower division and approved probationers who were directly recruited to the category of upper division clerks in the Office of the Board of Revenue have been permitted to undergo survey training and to serve as Revenue Inspectors.

Similar permission has been granted to the acting lower division clerks in the office of the Collector of Madras provided they have completed their probation satisfactorily and are not likely to be discharged from service for want of vacancies. The periods spent on survey training and as Revenue Inspectors will be deemed to be periods of duty under Rule 9 (6) (*b*) (i). The procedure regarding the creation of a temporary post referred to in paragraph (7), will not, therefore, apply in the case of these clerks.

The clerks will continue to be borne on the establishment of the Board of Revenue or the Collector of Madras and substitutes may be appointed in their places in that establishment.

The clerks may, during the period of their training, continue to draw the rates of pay of the posts in the parent offices, from which they have been deputed, so long as they do not cease to have places in those offices; if, for any reason, a clerk in the Board's office or the Collector's office, Madras, while undergoing training as a Revenue Inspector, ceases to have a place in the office in which he has been working, he will be given the minimum pay of a lower division clerk in the mufassal for the period during which he will have no place in the parent office.

One acting vacancy in the grade of lower division clerks should be kept unfilled in the district concerned for every clerk deputed to the district from the Board's office or the office of the Collector of Madras.

(G.O. Ms. No. 33, Revenue, dated 6th January 1937, Memoranda No. 4251-F/37-2, Revenue, dated 12th October 1937, and No. 2515-G/38-2, Revenue, dated 26th November 1938.)

**Training with the Army in India Reserve of Officers.**

(9) (*a*) Civilian Government servants employed under the Government of India, State Governments or Administrations, who belong to the Army Reserve of Officers will, when called up for training, draw the following rates of civil pay, in addition to their Military pay:—

(i) When proceeding to carry out their training from their duty appointments, the pay and allowances they would have drawn in their civil appointments but for the training.

(ii) While on leave in India, Burma, Ceylon, Great Britain or Northern Ireland, the civil leave pay and allowances which they would have drawn but for the training.

(iii) While on training on the expiry of leave out of India taken from their civil appointment and before rejoining their civil appointment for duty, (*a*) joining time civil pay from the date of disembarkation in India to the date preceding that on which the Military training commenced, (*b*) full civil pay during the period of training.

*Note* 1.—Time spent by all Government servants undergoing training or when called to Army service shall count for civil leave and pension and for increments of civil pay.

*Note* 2.—The time spent in journeying to and from the place of training is not part of training—*vide* ruling 5 under Rule 106.

(G.Os. Ms. No. 1057, Public, dated 25th August 1930, and Ms. No. 812, Public, dated 6th August 1931.)

(*b*) If it is found necessary to provide a substitute in the place of a Government servant undergoing training, the additional cost will be a charge upon the Consolidated Fund.

(*c*) The Army estimates should not be required to bear any share of the leave and pension charges accruing in respect of this period of training.

(G.I., F.D., No. 81, F.E., dated 27th September 1926, and G.O. Ms. No. 913, Public, dated 20th October 1926.)

(*d*) Acting promotions are admissible in the place of Government servants who join the Army in India Reserve of Officers for training and who are treated during the period of training as on duty for the purpose of civil leave and pension.

(*e*) All officers of the Army in India Reserve of Officers, who are employed under the Central Government, when called to Army service, retain a lien on their civil posts during the period for which they are called to Army service.

G.I., F.D., No. F. 367, C.S.R., dated 19th October 1926, G. I., Fin. Memo. No. F. 60-R. 1-28, dated 30th April 1928, and Letter No. B-451-1 (A.G. 2), dated 16th February 1929, of the Government of India, Army Department.]

**Periodical training of Reservists of the Indian Army in civil employ.**

(10) Members of the Indian Fleet Reserve and Army and Air Force Reservists employed under the State Government will, when called up for periodical military training, be allowed the difference, if any, between the pay admissible to them in civil employ, and that admissible in the Naval, Army or Air Force as the case may be. They will also be granted the allowances admissible in the latter for the periods spent by them on training. They will be allowed civil pay and allowances for the periods of their transit to and from the place of training but will not be eligible for any travelling allowance from the State Government for these periods.

In view of the fact that the leave earned under the Civil rules by Indian Army Reservists in Civil employ during the period when they undergo their periodical military training would amount to about 3 to 5 days only and the leave contribution would accordingly be negligible, no adjustment against Defence Services Estimates will be made on account of leave contribution in respect of leave earned for that period.

As under military rules the entire period spent by a reservist in reserve (including the period spent in training) counts for military pension the question of counting the whole or a part of this period towards civil pension does not arise. The period spent in training, and on the journey to and from the place of training will be treated as duty for purposes of civil leave and increments of civil pay.

[Government of India, War Department (Navy Branch), letter No. 658-N, dated the 15th May 1940; Government of India, War Department (Navy Branch) letter No. P.S., 11110-N.H., dated 1st October 1942 [G.O. Ms. No. 2571, Public (War), dated 21st August 1942]; G.O. No. 3432, Public (War), dated the 26th October 1942.]

**Grant of pecuniary benefit of the privilege leave or leave on average pay due under Civil Rules to Indian Army Reservists employed in Government Departments on their being recalled to the colours.**

(11) Rule 634 of the Pay and Allowance Regulations for the Army in India, Volume I, runs as under:—

634. Reservists employed in Government Departments on recall to the Colours, will be allowed if they so desire, the pecuniary benefit of any privilege leave due to them under Civil Rules and in addition to Military pay and allowances, they may draw civil pay and allowances as under for the full period of privilege leave admissible—

(i) For the first month—full civil pay and allowances;

(ii) Thereafter—half civil pay.

In this connexion, the following instructions have been issued by the Government of India:—

1. Leave on average pay up to four months admissible under the Fundamental Rules, 'earned leave' up to 90 days admissible under the Revised Leave Rules, 1933, and any corresponding leave admissible under Provincial Governments' revised leave rules, should be treated as privilege leave for the purpose of Rule 634, Pay and Allowance Regulations, Volume I.

2. The pecuniary benefit admissible in the case of such leave under Rule 634, Pay and Allowance Regulations, Volume I, should be calculated in terms of full or half *average* pay worked out on the basis of the civil emoluments that were actually drawn or that would have been drawn but

for the reservist being called to the colours, during a period of 12 months (or 36 months in the case of those who are governed by the Revised Leave Rules, 1933, or any other period prescribed in this behalf in the revised leave rules of Provincial Governments) immediately preceding the commencement of the leave.

In working out the average pay in the case of persons governed by the Revised Leave Rules, the average substantive pay for the preceding 12 months should be taken into account if that is more advantageous to the reservists.

3. (1) Rule 634, Pay and Allowance Regulations for the Army in India, Volume I, contemplates the grant of the pecuniary benefit alone without the reservist actually going on leave;

(2) the period for which the pecuniary benefit is granted will be debited to the individual's civil leave account; and

(3) the incidence of cost of pecuniary benefit in such cases will be regulated under the normal rules in Section II, Appendix 3 to the Account Code, Volume I, 1940.

[Government of India, Defence Department (Army Branch), letters Nos. (i) B. 59037/1-A.G. 10, dated 2nd August 1940, (ii) B-59037/4-A.G.-10, dated 9th June 1941, (iii) G.O. No. 1356, Public (Political), dated the 30th June 1941.]

*Note.*—The above concessions are not admissible to substantive civil Government servants in temporary Military employ including officers belonging to the Army in India Reserve of Officers. Under Army Instruction (India) No. 204 of 1941, the leave of such officers while in military employ will be governed by the Civil Rules applicable to them before they were called to Army Service.

[G.O. No. 2319, Public (War), dated 21st October 1941.]

(12) The bond prescribed in the Note to Rule 20 shall be executed in the following form:—

## FORM I.

BOND TO BE EXECUTED BY A MEMBER OF THE ESTABLISHMENT OF THE DEPARTMENT OF STATISTICS, MADRAS, WHEN PROCEEDING FOR SPECIAL COURSES OF TRAINING.

Know all men by these presents that I

in the Department of Statistics, Madras, am bound unto the Governor of Madras in the sum of Rs. to be paid on demand to the Governor of Madras, his successors or assigns or their certain attorney or attorneys for which payment I bind myself, my heirs, executors, administrators and legal representatives firmly by these presents.

Signed by me at this day of 19 .

Whereas the above-bounden is proceeding for training in

at the expense of the Government of Madras (hereinafter called "the Government") in the expectation that the Government will utilise the benefits derived by him by such training and whereas it has been agreed to that the above-bounden shall enter in the above bond in the above mentioned sum of Rs. with such condition as is hereunder written.

Now the condition of the above written bond is such that the bond shall be void if the said shall fully go through and complete the said training course unless he is prevented by ill-health certified by a competent medical authority to the satisfaction of the Government from so going through the complete course of training aforesaid or is before then recalled by the Government to his duties and shall during such course of training abide by all the rules and regulations laid down by the Government and shall serve the Government or shall be employed in a manner which the Government may approve for not less than years from the date of completion of the training. Otherwise the bond shall remain in full force and virtue.

Signed by the
Above named
in the presence of

Place
Date

## FORM II.

BOND TO BE EXECUTED BY A MEMBER OF THE ESTABLISHMENT OF THE DEPARTMENT OF STATISTICS, MADRAS, WHO HAS COMPLETED SPECIAL COURSE OF TRAINING.

Know all men by these presents that I

in the Department of Statistics, Madras, am bound unto the Governor of Madras in the sum of Rs. to be paid on demand to the Governor of Madras, his successors or assigns or their certain attorney or attorneys for which payment I bind myself, my heirs, executors, administrators and legal representatives firmly by these presents.

Signed by me at this day of 19 .

Whereas the above-bounden proceeded for and completed training in at the expense of the Government of Madras (hereinafter called "the Government") in the expectation that the Government can utilize the benefits derived by him by such training, and whereas it is now agreed that the above-bounden shall enter into the above bond in the above mentioned sum of Rs. with such condition as is hereunder written.

Now the condition of the above written bond is such that the bond shall be void if the said serves the Government or shall be employed in a manner which the Government may approve for not less than years from the date of completion of the said training. Otherwise the bond shall remain in full force and virtue.

Signed by
Above named
in the presence of
Place
Date

(G.O. Ms. No. 1800, Finance, dated 18th October 1955.)

**21.** *Time-scale pay.*—Rules 22 to 29 inclusive and Rule 31 apply to time-scales of pay generally. They do not, however, apply to any time-scale sanctioned by the Secretary of State in Council in so far as they are inconsistent with terms specially so sanctioned for such time-scale.

**22.** The initial substantive pay of a Government servant who is appointed substantively to a post on a time-scale of pay is regulated as follows :—

(*a*) If he holds a lien on a permanent post, other than a tenure post, or would hold a lien on such a post had his lien not been suspended :—

(i) When appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of the Rule 30) than those attaching to such permanent post, he will draw as initial pay the stage of the time-scale next above his substantive pay in respect of the old post;

(ii) When appointment to the new post does not involve such assumption he will draw as initial pay the stage of the time-scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage, the stage next below that pay, plus personal pay equal to the difference, and in either case will continue to draw that pay until such time as he would have received an increment in the time-scale of the old post, or for the period

after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay;

(iii) When appointment to the new post is made on his own request under Rule 15 (*a*) and the maximum pay in the time-scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

(*b*) If the conditions prescribed in clause (*a*) are not fulfilled, he will draw as initial pay the minimum of the time-scale:

Provided, both in cases covered by clause (*a*) and in cases other than cases of re-employment after resignation, removal or dismissal from the public service covered by clause (*b*), that if he either

(1) has previously held substantively or officiated in

(i) the same post, or

(ii) a permanent or temporary post on the same time-scale, or

(iii) a permanent post, other than a tenure post, on an identical time-scale, or a temporary post on an identical time-scale such post being on the same time-scale as a permanent post; or

(2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated,

then the initial pay shall not be less than the pay other than special pay, personal pay or emoluments classed as pay by the Governor-General in Council under Rule 9 (21) (*a*) (iii), which he drew on the last such occasion, and he shall count the period during which he drew that pay on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay.

If, however, the pay last drawn by the Government servant in a temporary post has been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of those increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he last drew in the temporary post.

*Note* 1.—If the Government servant is entitled to overseas pay in the new post but was not drawing overseas pay in the old post, the overseas pay in the new post shall not be taken into account in determining the stage in the time-scale of the new post to which he is entitled under clause (*a*).

*Note* 2.—For the purposes of this rule sterling overseas pay shall be converted into rupees at such rate of exchange as the Secretary of State in Council may by order prescribe.

**RULINGS.**

(1) When a Government servant is appointed to officiate in a post on a time-scale of pay but has his pay fixed below the minimum of the time-scale under Rule 35, he must not be treated as having effectually officiated in that post within the meaning of Rule 22 or having rendered duty in it within

the meaning of Rule 26. Such an officer on confirmation, should have his initial pay fixed under Rule 22 (*b*) and draw the next increment after he has put in duty for the usual period required calculated from the date of his confirmation.

[Paragraph 12 (ii), Chapter IV, section I of Manual of Audit Instructions (Reprint).]

(2) In the case of a Government servant appointed substantively to a post in which he had previously officiated and whose present substantive pay is the same as the pay which he drew when last officiating, *old* Rule 22 (*b*) laid down that he should draw an initial pay equal to that pay and count for increment in that stage the period during which he was drawing that pay. But the position has been altered deliberately in the *revised* Rule 22 under which the initial pay of such a Government servant substantively appointed to a post should be fixed with reference to his substantive pay in respect of the old post. It has therefore been held that a Government servant when appointed to a post substantively while officiating in it is entitled to have his pay fixed anew under the revised Rule 22 with reference to his substantive pay at the time in respect of his old permanent post.

(Comptroller and Auditor-General's letter No. T-1176-A /170-34, dated 11th September 1934.)

(3) In connexion with the application of the Government of India's decision embodied in item (15) of the Instructions below, a question was raised as to whether the decision would affect any of the existing Audit Instructions issued under Rule 22. The decision has no bearing on any of the Audit Instructions referred to above. The decision does not refer to cases of transfer from one temporary post to another such post or from a temporary post to a permanent post; it refers only to cases of conversion of a temporary post into a permanent one on a different rate of pay. There is also nothing in the decision of the Government of India which debars service in a temporary post, created as an addition to a cadre and on the same time-scale from counting towards increments in a permanent post in that cadre even after such a temporary post has been abolished. This position which obtained before the issue of the Government of India's decision remains unaffected even after the issue of that decision.

(Comptroller and Auditor-General's Endorsement No. 209-A/2-36, dated 24th June 1937.)

(4) The revised Rule 22 is applicable in cases in which the occasion for fixation of pay arose on or after the date of effect of the revised rule, i.e., the 18th March 1930. In cases where the occasion arose before the 18th March 1930 but the question of fixation of pay is taken up after that date, the old Rule 22 should be applied.

(5) The expression " if he holds a lien on a permanent post " in Rule 22 (*a*) should be held to include the lien on a permanent post to which a Government servant is appointed in a provisionally substantive capacity under Rule 14 (*d*) and the expression " substantive pay in respect of the old post " in that rule be held to include his substantive pay in respect of that provisional substantive appointment. Rule 22 (*a*) should, therefore, be held to permit the substantive pay in respect of a provisional substantive appointment being taken into account in determining the initial pay.

(Comptroller and Auditor-General's letter No. 586-A/351-39, dated 23rd December 1939.)

(6) A time-scale may be of recent introduction, whereas the cadre or class to which it is attached may have been in existence on a graded scale before the time-scale came into force or it may be that one time-scale has taken the place of another.

If a Government servant has held substantively, or officiated in a post in the cadre or class prior to the introduction of a new time-scale, and has drawn during the period salary or pay equal to a stage, or intermediate between two stages, in the new time-scale, then the initial pay in the new time-scale may be fixed at the salary or pay last drawn and the period during which it was drawn may be counted for increment in the same stage, or if the salary or pay was intermediate between two stages, in the lower stage of that time-scale.

(7) When the next increment in the time-scale of either the new or the old post falls due, the Government servant should draw the next increment in the time-scale of the *new post*, and forthwith lose the personal pay and

all connexion with the time-scale of his old post. The personal pay is given to a Government servant only for the purpose of initial pay and not at any subsequent stage in the new time-scale in which the Government servant might draw less pay than he would have drawn had he remained in the old time-scale.

(8) When the pay of a post is changed, but not its duties and the old pay is split up into pay and special pay, the initial pay fixed for the holder of the post under the new scale, both pay and special pay should, under clause (*a*) (ii) of the rule, not exceed his old pay. Thus an officer on Rs. 450 whose post is changed into one on Rs. 350—25—500 *plus* Rs. 100 special pay should get Rs. 350 *plus* Rs. 100 special pay and not Rs. 450 *plus* Rs. 100 special pay.

(9) In the case of a Government servant whose post is abolished, owing to reduction of establishment, and who is provided with an appointment in a new office, his initial pay in the new post should not be fixed under Rule 22 (*a*), as it is not a case of *transfer from one scale of pay to another* but of the abolition of one appointment followed by re-appointment to a new post within the meaning of Article 426, Civil Service Regulations.

If, however, the conditions laid down in the proviso to Rule 22 (*b*) are fulfilled in such a case, the pay may be regulated under that proviso.

(Comptroller and Auditor-General's Endorsement No. 467-E/2088/25, dated 30th January 1926.)

(10) A question arose whether identical time-scales—one attached to posts whose pay is governed by the Civil Service Regulations, and the other subject to conditions prescribed by the Fundamental Rules, can be treated as identical for the purpose of the pay chapter of the Fundamental Rules.

It has been decided that when two posts are on identical time-scales duty rendered in one of them can be allowed to count towards increment in the other irrespective of the fact whether the pay of the posts is governed by the Civil Service Regulations or the Fundamental Rules.

(11) All temporary or officiating service in the undermentioned posts in the Imperial Services and all service or leave during which a Government servant held a lien on such a post or would have held a lien had it not been suspended shall count for increment in the time-scale applicable to that post whether such service is continuous or not and is rendered in a time-scale or graded post. In reckoning such temporary or officiating service for increments in the permanent administrative post, the Fundamental Rules can be applied as a matter of course without further authority. In cases in which the Fundamental Rules cannot be applied directly, e.g., when the pay is on a graded scale the sanction of the Government of India will be necessary to permit temporary service on a graded scale to count for increments in the time-scale applicable to the post on confirmation in that post.

1. Chief Engineers.
2. Superintending Engineers.
3. Collector of Customs.
4. Chief Conservator of Forests.
5. Conservators of Forests.
6. Director of Agriculture.
7. Director of Public Health.
8. Director of Public Instruction.
9. Director of Medical Services.
10. Accountant-General.
11. Inspector-General of Police.
12. Deputy Controller of the Currency.
13. Deputy Inspector-General of Police.
14. Commissioner of Police.
15. Inspector-General of Prisons.

(G.Os. No. 145, Finance, dated 15th February 1924, and No. 889, Finance, dated 17th December 1924.)

*Note.*—In cases where the concessions admissible under the Fundamental Rules cannot be applied to a period of service in an administrative post by the existence of the above orders, the Government of India can apply the principles of the Fundamental Rules in consultation with the Comptroller and Auditor-General of India.

(12) (a) In G.O. No. 1363, Revenue, dated 10th September 1923, as modified by G.O. No. 1295, Revenue, dated 17th August 1925, and G.O. Press No. 1074, Revenue, dated 14th May 1936, Government approved of a scheme for the appointment of clerks in Madras Offices as Deputy Tahsildars and Sub-Magistrates in the mufassal. According to this scheme, a clerk has to be taken into the office in the city from the mufassal in exchange of a clerk sent out from an office in the Madras City to the mufassal as Deputy Tahsildar or Sub-Magistrate. The appointment of a mufassal clerk in exchange for the Madras clerk will be optional and not compulsory as hitherto.

A mufassal clerk so appointed in an office in Madras City will start in the time-scale of pay of the post to which he is appointed at the stage corresponding to his average pay as defined in Rule 9 (2) or substantive pay in the mufassal whichever is higher. If this average or substantive pay is less than the minimum pay of the post to which he is appointed in the office in the city, he will start on such minimum pay; if it falls between the two stages in the city time-scale, he will start at the higher of these two stages.

(b) When for want of a vacancy a Madras clerk has to be reverted in the ordinary course from his acting appointment as a Deputy Tahsildar, he should not be reverted to his permanent post in the Madras Office, but should be appointed to some suitable post in the district to enable him to gain further experience of district revenue work until his turn for re-appointment as a Deputy Tahsildar again arises. A post on the pay which the clerk would be drawing in the Madras Office, if he had not been selected for appointment as Deputy Tahsildar, should be created temporarily in the district in place of the post on the normally sanctioned rate of pay, the duties of which he is appointed to perform, until such time as the clerk concerned is again appointed to act as a Deputy Tahsildar.

(G.O. Press No. 1074, Revenue, dated 14th May 1936.)

(c) The orders in clause (a) above apply also to cases where, apart from the exchange scheme, it is found necessary to introduce in offices in the city men with knowledge of district work (clerks, Deputy Tahsildars and Tahsildars).

[G.O. Press No. 369, Public, dated 28th April 1927, and G.O. No. 84, Public (Services), dated 27th January 1934.]

*Note.*—As normally only senior clerks in the mufassal possessing a certain amount of district experience will be required for appointment in city offices, the Government direct that the fixation of pay as above shall be admissible only to full members and approved probationers in the categories of upper and lower division clerks who are transferred from mufassal to city offices.

[G.O. Ms. No. 312, Public (Services), dated 8th February 1940.]

(d) All orders fixing the pay and allowances of clerks taken in exchange in the Department of the Secretariat under sub-paragraph (12) above will be issued in the Public (Services) Department in consultation with the Accountant-General and the Finance Department.

[G.O. Ms. No. 936, Public (Services), dated 31st July 1930.]

(13) It is not the intention of Government that each and every case of grant of officiating pay should be referred to Government by the Heads of Departments for orders. As Rule 30 clearly lays down that officiating pay can be drawn by a Government servant only when the officiating post carries with it duties and responsibilities of greater importance than those attaching to the post on which he holds a lien or would hold a lien had his lien not been suspended, the Heads of Departments may not feel any difficulty in regard to the grant of officiating pay in such cases. Only when they feel any doubt, they need refer the matter to Government for orders.

(Memo. No. 50600-A Codes I-1, dated 29th July 1950.)

(14) Notwithstanding anything contained in Rule 22 (a) (ii), a lower division clerk appointed substantively as an upper division clerk in the Madras Ministerial Service or the Madras Judicial Subordinate Service shall draw as initial pay the stage of the time-scale next above his substantive pay in respect of the old post.

[G.O. No. 1346, Public (Services), dated 4th June 1945.]

(15) The Government of India have, in consultation with the Comptroller and the Auditor-General of India, decided that, for the purposes of Rules 22 and 23, a temporary post on a certain rate of pay (fixed or time-scale) which is converted into a permanent post on the same or a different rate of pay, is not the "*same post*" as the permanent post, even though the duties remain the same. In other words in view of Rule 9 (30), the temporary post is to be regarded as having ceased to exist and to have been replaced by the permanent post. The incumbent of the temporary post is thus entitled only to the pay of the permanent post if it is on a fixed rate of pay or to the minimum pay of the time-scale of the permanent post if it is on a time-scale unless the case is covered by the concession admissible under provisos 1 (ii) and 1 (iii) to Rule 22.

[Government of India, Finance Department Endorsement No. F. 27 (25)-Ex. I/36, dated 3rd September 1936.]

*Note.*—The net effect will be that service in a temporary post on a certain scale of pay when converted into a permanent post on a different scale of pay will not count for increments in the latter scale.

[G.O. No. 433, Finance, dated 29th September 1936, and Government of India, Finance Department, letter No. F. 27 (25)-Ex. I/36, dated 30th June 1937.]

(16) Please see ruling 5 under Rule 35 regarding the fixation of pay of a Government servant who takes charge on the afternoon of a day and the Government servant concerned earns an increment the next day in his substantive post.

(17) Please see ruling 10 under Rule 19 regarding the grant of personal pay to save, from a loss in emoluments, offices holding permanent posts on promotion to higher posts on the new revised scale of pay.

**22-A.** The initial substantive pay of a Government servant who is appointed substantively to a post on a time-scale of pay which has been reduced for reasons other than a diminution in the duties or responsibilities attached to posts thereon and who is not entitled to draw pay on the time-scale as it stood prior to reduction, is regulated by Rule 22 :

Provided, both in cases covered by clause (*a*) of that rule and in cases, other than those of re-employment after resignation, removal or dismissal from the public service, covered by clause (*b*) of the same rule, that if he either—

(1) has previously held substantively or officiated in

(i) the same post prior to reduction of its time-scale, or

(ii) a permanent or temporary post on the same time-scale as the unreduced time-scale of the post, or

(iii) a permanent post other than a tenure post, or a temporary post, on a time-scale of pay identical with the unreduced time-scale of the post, such temporary post being on the same time-scale as a permanent post, or

(2) is appointed substantively to a tenure post the time-scale of which has been reduced without a diminution in the duties or responsibilities attached to it, and has previously held substantively or officiated in another tenure post on a time-scale identical with the unreduced time-scale of the tenure post;

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay under rule 9 (21) (*a*) (iii) which he would have drawn under Rule 22 on the last such occasion, if the reduced time-scale of pay had been in force from the beginning and he shall count for increments the period during which he would have drawn that pay on such last and any previous occasions.

**23.** The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on the new pay; provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

## RULINGS.

### Application of the rule to officiating Government servants.

(1) Rule 23 applies to an officiating as well as to a substantive holder of a post, whether such officiating incumbent holds any substantive post under Government or not.

Any break in the officiating period such as that due to transfer to another post or leave without pay, or non-employment would operate as a vacating of the post. The pay during any subsequent officiating period in the post would be governed by Rule 31 read with proviso (1) to Rule 22 subject in the case of Government servants under the Madras Government who hold no substantive post to the subsidiary rule under Rule 35.

(2) In connexion with the question whether the pay of a Government servant officiating in a temporary post involving assumption of greater responsibilities should be refixed with reference to his substantive pay on a change of the pay of the temporary post, it has been held as under:—

According to Rule 23, the holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on a new pay. Therefore, though the duties are not changed but remain the same, the post on the new pay is for the purposes of Fundamental Rules treated as one different from the previous post on the old pay. Pay has, therefore, to be refixed under Rule 22 and such refixation can be only with reference to the substantive pay of the Government servant.

(3) If the maximum pay of a post is altered with no change in the rate of increment and the minimum, the initial pay of the holder of that post should be fixed under Rule 22 (*b*) and not under Rule 22 (*a*), even though he may be holding the post substantively.

(4) The expression "subsequent increment on the old scale" in the proviso to Rule 23 should be held to include grade promotion in cases in which a time-scale of pay has been substituted for a graded scale of pay.

(5) In a case in which the old and the new scales after revision consisted of a number of grades, the Government of India have decided that the expression "ceases to draw pay on that time-scale" occurring in Rule 23 gives the power to a Government servant to elect to remain in one of the grades in the old scale till his promotion to a higher grade in the new scale.

(Government of India, No. F. 44-R-1/30, dated 10th February 1930.)

(6) As Rules 22 to 29 apply to any time-scale sanctioned by the President of the Republic of India only so far as such application is not consistent with terms specially sanctioned in relation to such time-scale, Rule 23 cannot be held to operate without the specific order of the President of the Republic of India in the case of any revision of such a time-scale.

(Comptroller and Auditor-General's letter No. 109-A/94-32, dated 18th May 1932.)

(7) When special pays attached to posts are abolished or reduced, the existing incumbents are allowed to draw the special pays at the original rate as personal pay so long as they continue to hold the posts. In such cases the personal pay is admissible to permanent incumbents, if any, as well as to officiating incumbents.

In the case of officiating Government servants or Government servants appointed substantively to a cadre and not to individual posts in that cadre, it has been decided that for purposes of eligibility to draw the personal pay, the continuity of tenure of a Government servant in the post should be considered unbroken if (1) he takes leave on average pay not exceeding four months and returns to the same post on the expiry of his

leave or (2) he is deputed temporarily on other duty for administrative reasons or (3) officiates in a higher post and returns to the same post on the expiry of such duty, provided that it is certified, by Government in the case of a gazetted officer, and by the head of the department in the case of the non-gazetted officer, that the incumbent would have continued to hold the appointment in respect of which the 'personal pay' was granted but for such deputation or promotion as the case might be.

*Note.*—(1) The term "same post" in the above rule should be interpreted to cover posts of the same category in a cadre and not necessarily the posts at the same station.

(Memo. No. 14870-C.S.R. 2, Finance, dated 18th May 1932, G.O. No. 521, Finance, dated 20th September 1932, Memo. No. 31295-2/C.S.R., Finance, dated 25th October 1932, and G.O. No. 822, Finance, dated 30th December 1933.)

(2) For purposes of the orders embodied in the second sub-paragraph persons in receipt of the same scale of pay in the Madras Ministerial Service should be treated as belonging to a particular cadre. For example, all lower division clerks on Rs. 45—90 should be treated as belonging to one cadre while upper division clerks on Rs. 80—110 should be treated as belonging to another cadre.

(Finance Memorandum No. 22016-C.S.R. 3, dated the 30th October 1935.)

(8) The protection afforded by Rule 23 applies only to special pays attached to posts. Unhealthy localities special pays are not attached to posts but are fixed with reference to localities. They are not admissible to all persons holding the posts (which would be the case if the special pays were attached to the posts) as persons who are natives of or are domiciled in the locality are not eligible for them.

(Finance Memorandum No. 28576-C.S.R.-1, dated 27th October 1933.)

**24.** An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by a local Government, or by any authority to whom the local Government may delegate this power under Rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

*Note* 1.—The authority competent to withhold increments from a Government servant is the authority in which such power has been vested under Rules 52 and 54 of the Civil Services (Classification, Control and Appeal) Rules.

*Note* 2.—The procedure that should be followed for stoppage of increment of a Government servant under the rule-making control of the Government of Madras is the procedure prescribed in Rule 15 (*a*) of the Madras Civil Services (Classification, Control and Appeal) Rules or Rule 3 (*a*) of the Madras Police Subordinate Services Discipline and Appeal Rules, 1950, as the case may be.

*Instruction under Rule 24.*

*An authority withholding an increment of an officer should expressly state in the order that the period for which the increment has been stopped will be exclusive of any interval spent on leave before the period is completed.*

RULINGS.

(1) The order withholding an ordinary increment in a time-scale must specify the period for whch it is to be withheld if the order is to be operative. If the order does not state that the withholding of the increment shall have the effect of postponing future increments it shall be assumed that the officer's pay is restored to what it would have been had his increment not been withheld from the next natural date from which he would have drawn an increment.

The effect of an order withholding a particular increment is that the officer remains on the same pay without any increment for the period for which that order withholds that increment.

(G.O. Ms. No. 1973-W., P.W. and Labour, dated 8th September 1933.)

(2) (*a*) All orders withholding increments issued by administrative authorities in the case of gazetted officers should be scrutinized in audit to see if they are in accordance with the above instructions. As regards non-gazetted officers, heads of departments and offices will be responsible for seeing that the instruction is observed.

(G.O. No. 432, Finance, dated 2nd July 1931.)

(*b*) When an increment of an officer is withheld with cumulative effect, it is not the intention that the instruction under Rule 24 should be applied.

### Effect of stoppage of increment on overseas pay.

(3) (*a*) The change from rupee to sterling overseas pay must be regarded as an increment and consequently it should not take effect if an officer's increment is stopped.

(G.I., F.D. Endt. No. F. I-VIII-Ex-I-28, dated 8th May 1928.)

(*b*) The change from one rate of sterling pay to another is likewise an increment and cannot be allowed in a case when the officer's increment is stopped.

### Effect of stoppage of increment on pension.

(4) (*a*) Where it is proposed to withhold an increment in an officer's pay as a punishment; the authority inflicting the punishment should before the order is actually passed, consider whether it will affect the officer's pension, and if so, to what extent; if it is decided finally to withhold the increment, it should be made clear in the order that the effect of the punishment on the pension has been considered and that the order is intended to have this effect.

[G.O. Ms. No. 945, Public (Services), dated 4th August 1930.]

(*b*) The above orders are not applicable to stoppages at an efficiency bar.

[G.O. No. 1183, Public (Services), dated 13th September 1932.]

(5) (*a*) If a Government servant is suspended for misconduct, neither the period of suspension nor any period of service preceding the suspension shall be allowed to count towards the period necessary to earn an increment.

(*b*) No Government servant shall be given his increment unless in the case of a clerk, the head of his office, or in any other case, such superior officer as may be prescribed for this purpose by the authority empowered to sanction the increment, signs a certificate prescribed in the Madras Treasury Code Form No. 49.

These orders are applicable to all Government servants who are on incremental scales of pay whether the increments accrue annually or at other intervals.

(G.O. No. 9, Public, dated 5th January 1926, No. 439, Public, dated 12th May 1926, and No. 173, Public, dated 28th February 1927.)

*Note.*—(1) The above orders do not apply to gazetted officers nor are they applicable to police constables. The case of constables is not similar to that of Government servants on the usual incremental scale and should be treated on the same basis as if they were in grades and they may be reduced from one such grade to another. Every order so reducing a constable, however, should state definitely the period for which the reduction is to have effect [*vide* G.O. No. 422, Judicial (Police), dated the 14th August 1923, and Memorandum No. 1180, Public, dated the 25th March 1926.]

(G.O. No. 439, Public, dated 12th May 1926.)

(2) The orders in clause (*a*) above that no period of service preceding the suspension shall be allowed to count towards the period necessary to earn an increment apply to all cases where increments accrue on or after the date of the G.O. No. 9, Public, dated the 5th January 1926 although the period of suspension might have been before that date.

(Accountant-General's orders, dated 25th November 1930.)

(6) In cases of suspension on account of imprisonment for debt or for reasons other than misconduct the period of service preceding the suspension may be allowed to count for increments but not the actual period of suspension.

(Memorandum No. 588-1, Public, dated 2nd May 1927.)

(7) A clerk whose pay was restricted under old Rule 6 (*b*) (1) 1 of the Ministerial Service Rules, on account of failure to acquire typewriting qualification, can count his service prior to 26th May 1936, for increments and draw with effect from that date, the pay he would have been eligible for, had the typewriting qualification not been pressed at all.

[G.O. No. 162, Public (Services), dated 21st January 1937.]

(8) An increment accrues on the completion of the requisite period of service; but under Fundamental Rule 24, it cannot be drawn, if it is withheld for misconduct or unsatisfactory work. The stoppage of the increment can be given effect to from the date of accrual itself, even if the order withholding the increment is issued on a later date, as the penalty that is enforced is in respect of a period of service which is found to be unsatisfactory and which would otherwise have entitled the incumbent to earn the increment.

[Government Memo. No. 52244, Finance (C.S.R.-3), dated 22nd July 1953.]

**25.** Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the authority empowered to withhold increments.

**RULINGS.**

(1) When an officer under the rule-making control of the State Government who was previously held up at an efficiency bar in a time-scale, is subsequently allowed to cross it, he should be given only the increment next above the bar, with effect from the date of its removal, irrespective of the length of his service.

(G.O. No. 255, Finance, dated 27th September 1940.)

**Effect of removal of bar on increments.**

(2) The above instruction applies only to the fixation of pay in the time-scale in which the efficiency bar has been applied. It is not open to a State Government to fix an officer's pay in the senior time-scale merely because the officer has been held up by the efficiency bar in the junior time-scale. He should be paid in the senior time-scale according to length of service, unless his pay in such scale is itself affected by the operation of an efficiency bar or by a disciplinary order passed in accordance with the Civil Services (Classification, Control and Appeal) Rules.

[G.O. Ms. No. 450, Public (Police), dated 14th September 1934.]

**26.** The following provisions prescribe the conditions on which service counts for increments in a time-scale :—

(*a*) All duty in a post on a time-scale counts for increments in that time-scale.

*Note* 1.—An officiating Government servant who has no substantive appointment cannot count non-continuous officiating service for increments in a time-scale.

*Note* 2.—The break in the service of an officiating Government servant caused by his discharge under Rule 8 (*a*) (iii) of the Madras State and Subordinate Service Rules shall be condoned so as to enable him to count for increments the service prior to the break.

*Note* 3.—A Government servant of the Madras Police Subordinate Service or the Malabar Special Police Subordinate Service can count for increments the service rendered prior to suspension imposed on him as a specific penalty.

(*b*) Service in another post, other than a post carrying less pay referred to in clause (*a*) of Rule 15, whether in a substantive or officiating capacity service on deputation and leave other than extraordinary leave count for increments in the time-scale applicable to the post on which the Government servant holds a lien, as well as in the time-scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended : provided that the local Government shall have power in any case in which they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control to direct that extraordinary leave shall be counted for increment under this clause :

Provided further that the period of compulsory leave taken by officiating Civil Surgeons, Civil Assistant Surgeons, Sub-Assistant Surgeons, Mould and Rador Technicians, Radiographers, Radium Assistants and Dark-room Assistants in the Radiology Department and officiating medical officers in a Government Tuberculosis Institution shall count for increment.

(*bb*) The period of leave on average pay up to a maximum of four months taken at a time counts for increments in the time-scale applicable to a post in which a Government servant was officiating at the time he proceeded on leave and would have continued to officiate but for his proceeding on leave. The period which counts for increments under this clause is, however, restricted to the period during which the Government servant would have actually officiated in the post.

*Note* 1.—Commuted unearned leave on medical certificate with full pay under the Madras Leave Rules, 1933, will not count for increment in the officiating post.

*Note* 2.—In respect of the former Secretary of State's officers serving in connexion with the affairs of the Madras State, this rule takes effect from the 19th April 1952.

(*c*) If a Government servant, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post, or is appointed or re-appointed to a post on the same time-scale of pay, count for increments in the time-scale applicable to such lower post.

The period of officiating service in the higher post which counts for increment in the lower is, however, restricted to the period during which the Government servant would have officiated in the lower post but for his appointment to the higher.

This clause applies also to a Government servant who is not actually officiating in the lower post at the time of his appointment but who would have so officiated in such lower post or in a post on the same time-scale of pay had he not been appointed to the higher post.

(*d*) ***Deleted.***

(*e*) Foreign service counts for increments in the time-scale applicable to—

(i) the post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended;

(ii) any post to which he may receive officiating promotion under Rule 113 for the duration of such promotion; and

(iii) the post in Government service held by him in an officiating or temporary capacity, subject to the condition that the period of foreign service which counts for increments in the officiating or temporary post will be restricted to the period during which the Government servant would have held the officiating or temporary post but for his appointment in foreign service.

## RULINGS UNDER RULE 23 (a).

### Increment admissible to a probationer.

(1) If a probationer is confirmed at the end of a period of probation exceeding twelve months, he is entitled to claim retrospectively the increments which, but for his probation, he would have received in the ordinary course.

(2) In cases where the passing of an examination or test confers on a Government servant the title to any right, benefit or concession, such title should be deemed to have accrued on the day following the last day of the examination or test which he passed. In cases where the examination or test can be passed in instalments, the title to the right, benefit or concession will be deemed to have accrued on the day following the last day of the examination in the subject or subjects in which he has passed.

[G.O. No. 446, Public (Services), dated 1st May 1934.]

The above does not apply to District and Sessions Judges recruited direct from the Bar on probation. Increments may be allowed to such officers in accordance with rules (*c*) and (*e*) of the rules regulating the pay of officers promoted from a State Service to hold Indian Civil Service posts or otherwise appointed to hold such posts.

[Government of India letter No. F. 129/34, Home (Ests.), dated 29th March 1935.]

*Note*.—The right conferred by passing the examination is the right to draw an increment from the day following the last day of the examination, provided that the person concerned is otherwise eligible for the increment.

### Counting for increment in Civil posts the War service rendered by temporary Civil Government servants.

(3) (i) The period spent in "War service" as defined below, by a temporary Central Civil Government servant who is permitted by the appropriate Civil authority to undertake such service shall, in the event of the return with approved "War service" to a civil post, and subject to the condition that the appointing authority certifies that he would, but for his transfer to "War service" have continued throughout in Central Civil employ either in the same or another post, be taken into consideration for the purpose of fixation of his pay in the applicable time-scale on his return from "War service" to such post, whether in a substantive capacity or otherwise.

(ii) In order that the concession allowed in clause (i) above may, in cases where the person returns to his former post, be admissible under Rule 26, all cases of transfer with permission to "War service" during the present war should be treated as transfers to "higher posts" for the purpose of clause (*c*) of that rule, and that clause (*d*) thereof will also apply in such cases of transfer even though the person concerned had held the original temporary civil post in an officiating capacity at the time of his transfer to "War service".

(iii) In cases not covered by Rule 26, *e.g.*, the case of a person who on return from "War service" is re-employed in a civil post other than the one he held previously, permanent or temporary, the concession allowed in clause (i) above may, where equitable, be given under Rule 27 on the merits of each case, after account is taken of the stage which he would have reached in the time-scale of the post in which he would have continued but for his transfer to "War service".

*Definition of War Service.*

(*a*) Service of any kind in a unit or formation liable for service overseas;

(*b*) Service in India under Military, Munitions or Stores authorities with a liability to serve overseas;

(*c*) All other service involving subjection to naval, military or air force law;

(*d*) A period of training with a miltary unit or formation involving liability to serve overseas;

(*e*) Whole-time service in any Civil Defence Organization specified in this behalf by the Union or the State Government; and

(*f*) Such other service as may hereafter be declared as War service for the purposes of this definition.

[Government of India, Finance Department Office Memo. No. F. 11 (4) Ex. 1/43, dated 2nd March 1943.]

**Counting of service in the Army Reserve for increments.**

(4) Service in the Army Reserve of ex-military men who enlist in the Police shall not count for increments in the Police Department except for the periods during which the reservist was mobilized for active service.

(G.O. No. 492, Judicial, dated 31st August 1925.)

**Counting of military active service before enlistment for increments.**

(5) Indian ex-soldiers who enlist in the Madras Police on discharge from the Army may count any military active service rendered between the 4th August 1914 and 11th November 1918 inclusive for increments. Only periods within these may count and the concession is to be allowed only to those whose conduct in the Army according to their discharge certificate was "exemplary", "very good" or "good". The concession is admissible irrespective of whether a man was discharged at his own request or resigned from the Army before the expiry of the period for which he was enlisted and whether a pension was granted or not for the military service.

These orders will not adversely affect those men who had already been granted advance increments under formerly existing orders.

(G.O. No. 469, Judicial, dated 20th August 1925.)

*Note.*—The term "Military Service" referred to in the above paragraph includes temporary and non-pensionable Military service.

[G.O. Ms. No. 158, Public (Police), dated 17th March 1930, and G.O. No. 258, Home, dated 15th January 1940.]

(6) The prevous Military Service of members of the Malabar Special Police which is credited with gratuity at one month's pay for each completed year of such service shall not count for increment on the introduction of the new terms of service contained in G.O. No. 108, Judicial, dated 6th April 1927, and G.O. No. 666, Public (Police), dated 6th December 1930.

[G.O. No. 232, Public (Police), dated 8th May 1933.]

The concession in the first sub-paragraph of ruling 5 above of counting the previous military combatant active service rendered between 4th August 1914 and 11th November 1918 has also been extended to Indian ex-soldiers who are employed on discharge from the Army in the Jail Department in any of the appointments enumerated below:—

(1) Chief and Reserve Head Warders.
(2) Gate-keepers.
(3) Selection and ordinary grade warders.

(4) Warders in the Special Sub-Jails at Calicut, Mangalore, Nellore, Koraput and Russelkonda.

(5) Selection and Ordinary grade warders in the Special Sub-Jails at Salem and Kokkarakulam.

(6) (*a*) Chief Officer, Senior Certified School, Chingleput.

(*b*) Selection and ordinary grade Petty Officers in Certified Schools at Chingleput, Ranipet and Bellary.

(7) Chief and Petty Officers in Borstal Schools.

In calculating their increments the pay attached to the posts in the Jail Department at the time of their actual entry into Civil employment shall be taken into consideration and not the pay of such posts at the time of their service in the Military Department.

Indian ex-soldiers employed prior to 1st March 1921 in any of the appointments referred to above should be allowed an additional service in their present time-scale rates of pay equivalent to the period of combatant active service in the Military Department between 4th August 1914 and 11th November 1918 provided that in placing them on the graded scale prior to 1st March 1921 their previous service in the Military Department was not taken into account.

Any increase of pay resulting from the above orders will take effect only from 9th October 1925.

[G.O. No. 3087, Law (General), dated 9th October 1925, G.O. No. 948, Law (General), dated 22nd March 1926, and G.O. Ms. No. 2449, Law (General), dated 28th August 1934.]

(7) According to the orders in G.O. No. 989, Public (Services), dated the 21st September 1934, *ad hoc* rules should be framed every time a temporary post is created. If such rules allow only a fixed rate of pay for the temporary post, the service of the subordinate in the temporary post on fixed pay will *not* count for increments in the time-scale applicable to corresponding permanent posts in the service.

(Finance Memo. No. 42334-C.S.R. 2, dated 24th December 1934.)

(8) The rules for permanent incumbents embodied in the special rules for the Madras Public Subordinate Service issued under the Police Acts will apply automatically to all the holders of temporary posts. Hence *ad hoc* rules will not be issued in respect of these temporary posts.

(Memo. No. 246-A-I, Home, dated 25th January 1937.)

(9) Village officers and menials, who were ousted as a result of the reinstatement of village officers who were previously removed or dismissed or who had resigned for political reasons, shall when reappointed to posts under Government in accordance with the orders in G.O. No. 353, Revenue, dated 10th February 1940, be allowed to count their previous service as village officers or menials for increments in any time-scale which the post to which they are reappointed may carry.

(G.O. No. 353, Revenue, dated 10th February 1940.)

(10) A question was raised whether a Government servant appointed to a post neither as a probationer nor under the emergency provisions [e.g., a Sarishtadar appointed as Assistant Secretary to Government under Rules 2 (3) and 6 of the Special Rules for the Madras General Service, Class IX] can draw increment in the scale of pay attaching to that post after putting in the necessary period of duty. There is no provision in the Service Rules which prevents him from drawing increments nor will the provisions of Fundamental Rule 31-A relating to probationers and approved probationers apply to him. In such a case, Fundamental Rule 26 will apply and he will accordingly be eligible to draw increments.

(Memorandum No. 95716-C.S.R.-3, Finance, dated 19th February 1951.)

(11) Any period of leave whether with or without allowances taken during officiating service will not interrupt the continuity of officiating service for the purpose Note 1 under Fundamental Rule 26 (*a*).

(Memorandum No. 24595-C.S.R. 52-2, dated 13th May 1952.)

(12) In the case of a Government servant without a substantive post who has been continuously in Government employ, but whose tenure of officiating service in a time-scale is interrupted by duty in another post whether on time-scale or fixed pay, the intervening service should not be

regarded as a break of continuity of service for the purpose of Note I under Fundamental Rule 26 (*a*).

*Note.*—Interruption of continuous officiating service in a time-scale by duty in a post borne on a work-charged establishment or by service in the post of a copyist in the Judicial Department or by service in the post of Process Amin in the Revenue Department is not a break of continuity of service for the purpose of Note 1 under Rule 26 (*a*).

(13) When the tenure of officiating service of a Government servant in a time-scale is interrupted by duty in a post of Copyist or Copies Examiner in the Revenue Department, the intervening service should not be regarded as a break of continuity of service for the purpose of Note 1 under Rule 26 (*a*).

(14) When the tenure of officiating or temporary service of an Agricultural Demonstration Maistry in a time-scale post is interrupted by duty in Agricultural Research Station on daily wages, the intervening service should not be regarded as a break of continuity of service for the purpose of Note 1 under Rule 26 (*a*).

[Govt. Memo. No. 33908, Finance (C.S.R.)-3, dated 3rd June 1953.]

## RULINGS UNDER RULE 26 (b).

### Effect of promotion during leave for increments.

(1) In the case of an officer who acted in the grade of Rs. 1,000—1,200 in the minimum pay from 16th April 1921 to 6th April 1922 and then proceeded on 10 months' leave on average pay from 7th April 1922 to 6th February 1923 and who was promoted substantively while on leave to the grade of Rs. 1,000—1,200 on 2nd August 1922, the Government servant could count the period of his leave from 2nd August 1922 for increment in the grade of Rs. 1,000—1,200 as he held a lien on a post in that grade with effect from that date [*vide* Rules 12 (*c*) and 26 (*b*)].

(Comptroller and Auditor-General's letter No. 816-A299-33, dated 23rd/24th July 1923 to A.G., P.T., Calcutta.)

### Effect of overstayal of leave on increments.

(2) A period of overstayal of leave does not count towards increments under the Fundamental Rules unless under Rule 85 (*b*) it is commuted into extraordinary leave and under Rule 26 (*b*) extraordinary leave is allowed to count for increments.

(3) On the analogy of the ruling contained in Rule 5 below, periods of overstayal should be excluded in determining the 'year of service' for purposes of Schedule I of the Superior Civil Services Rules.

(Letter No. T. 1091-A/90-35, dated the 2nd September 1935, from the Comptroller and Auditor-General to the Accountant-General, Madras.)

### Conditions under which a Government servant officiating in a post can count a period of absence on duty from the post for increments in the time-scale attached to it.

(4) (i) In the case of a Government servant who, while officiating in one post, is appointed to officiate in another, the period of joining time spent in proceeding from one post to the other should be treated as duty in the post, the pay of which the Government servant draws during the period and will count for increment in the same post under Rule 26 (*a*).

(ii) In the case of a Government servant who, while officiating in a post proceeds on training or to attend a course of instruction and who is treated as on duty, while under training, the period of such duty will count for increment in the post in which he was officiating prior to his being sent for training or instruction if he is allowed the pay of the officiating post during such period.

(G.I.F.D., letter No. F. 250-C.S.R., dated 19th December 1924.)

### Reckoning of joining time taken under Rule 105 (b) and (c) for purposes of increments in an officiating post.

(5) In the case of a Government servant who proceeds on leave from an officiating post and who joins, after the expiry of leave, another officiating post on the same time-scale, the period of joining time under Rule 105 (*b*) and (*c*), though treated as duty under Rule 9 (6) (*a*) (ii), should not be

treated as duty for the purpose of increment in an officiating post as only leave salary is drawn for the period.

The above ruling will not apply in respect of a Government servant returning from leave on average pay not exceeding four months provided that he would have continued to officiate in the post but for his going on leave and that the leave plus joining time does not exceed four months.

(Memorandum No. 79689, Finance (C.S.R.)-2, dated 27th January 1953.)
(Memorandum No. 100619, Finance (C.S.R.)-3, dated 16th November 1954.)

**Effect of leave taken by officiating Government servants for increments.**

(6) The period of compulsory leave, i.e., one month's leave each year, taken by officiating Civil Assistant Surgeons in the Radiology Department will reckon as service for increments.

[G.O. No. 2375, P.H., dated the 6th July 1939, and G.O. Ms. No. 2713, P.H., dated 1st November 1943.)

(7) The head of a department may permit an unpassed clerk under his control to rise to the top of the time-scale in which he is subject to the following conditions:—

(*a*) The unpassed clerk should have passed one at least of the special or departmental tests prescribed for promotion to higher posts in the department. If no special or departmental test is prescribed for a particular department an unpassed clerk in that department who has passed or may hereafter pass any test except the language test in his mother tongue may be granted the concession.

(*b*) He should have proved himself deserving of the concession by his work and conduct.

(G.O. No. 78, Finance, dated 6th February 1947.)

(8) "Year of service" in Schedule I of the Superior Civil Services (Revision of Pay, Passage and Pension) Rules, 1924, shall be interpreted as excluding period of extraordinary leave, unless the Government of India or the State Government as the case may be, being satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, otherwise directs.

(G.O. No. 172, Finance, dated 8th March 1927.)

(9) Officiating service in a lower time-scale will not count for increment in the substantive post on a higher scale without the specific sanction of Government in each case.

[G.O. No. 643, Law (General), dated 17th February 1932.]

(10) When a Government servant is appointed to the temporary posts of Process Server or Amin in the Revenue Department, he may count his service in such temporary posts for leave and increments in the permanent post on which he holds a lien.

(G.O. Ms. No. 220, Finance, dated 20th June 1939.)

(11) When a Government servant is appointed to the temporary post of copyist or examiner in the Revenue Department his service in such temporary post should not count for increment or leave in the permanent post on which he holds a lien.

(G.O. Ms. No. 50, Finance, dated 26th February 1940.)

(12) The period of joining time under Note 2 below Fundamental Rule 107 during which a Government servant on transfer is not entitled to be paid should be treated as *dies non* (off duty) and will not count for increment in the post in which the Government servant is officiating for the time being.

(G.O. Ms. No. 787, Finance, dated 21st June 1954.)

## RULINGS UNDER RULE 26 (bb).

(1) Release leave taken as "deferred leave" by Civil Government servants while officiating in a post can be treated as leave with full pay and counted for increment in the officiating post under F.R. 26 (*bb*) provided that the officiating post is the same post in which the Government servant would have acted but for his war service.

[Govt. Memo. No. 70827, Finance (C.S.R)-1, dated 10th October 1952.]

(2) In respect of persons governed by the Madras Leave Rules, 1933, leave on average pay up to a maximum of four months should be taken to mean earned leave not exceeding 120 days or 50 days or 30 days, as the case may be, for the purpose of Fundamental Rule 26 (*bb*).

(3) In respect of leave on average pay of 4 months or less commencing from a date earlier than the 4th September 1952, only the period of leave from the 4th September 1952 will count for increment in the officiating post subject to the fulfilment of other conditions. As regards leave on average pay of more than four months' duration, only so much of the first four months of leave as falls on or after the 4th September 1952 will count for increment.

[Govt. Memo. No. 79689, Finance (C.S.R.)-2, dated 27th January 1953.]
[Govt. Memo. No. 79699, Finance (C.S.R.)-54-7, dated 1st April 1955.]

(4) The provisions of Fundamental Rule 26 (*bb*) will apply also to cases where Government servants were not actually officiating in a lower post before going on leave while officiating in a higher post but would have officiated in the lower post but for going on leave.

[Govt. Memo. No. 56597, Finance (C.S.R.)-2, dated 23rd October 1953.]

(5) In the case of an officiating Government servant who had taken leave on full average pay prior to 4th September 1952 such period/periods of leave will count for increments in the officiating post, provided the conditions laid down in Fundamental Rule 26 (*c*) as it stood then, were fulfilled.

[Govt. Memo. No. 89870, Finance (C.S.R.)-1, dated 11th December 1953.]

(6) A Government servant, who has been appointed to a post under General Rule 10 (*a*) (i) of the State and Subordinate Service Rules and also allowed to draw increments in that post by relaxation of Rule 10 (*b*) ibid, is eligible for the concessions in Fundamental Rule 26 (*bb*) provided the conditions laid down therein are satisfied. This concession is also admissible to the Government servants appointed under the emergency provisions under other Service Rules, who have been allowed increments in such posts in relaxation of the relevant rules.

[Govt. Memo. No. 82826, Finance (C.S.R.)-2, dated 23rd September 1954.]

## RULINGS UNDER RULE 26 (c).

(1) The intention of the rule was to introduce a fresh concession permitting a Government servant to count officiating service in a higher post as service for increment in a lower post if he is re-appointed to the lower post. This is not merely an alternative to the ordinary rule in Rule 26 (*a*) which permits such officiating service to count for increment in the higher post.

A Government servant can also count this officiating service in the higher post for increments in that post if he is subsequently appointed to it either in an officiating or permanent capacity.

(Comptroller and Auditor-General's Endt. No. 6-A-412/23, dated 7th January 1924.)

(2) Rule 26 (*c*) should be applied also to officiating Government servants without substantive appointments.

(G.O. Ms. No. 72, Finance, dated 30th January 1923.)

(3) The intention of Rule 26 (*c*) is to allow the concession, irrespective of whether the higher post is within or outside the Department to which the Government servant belongs.

(Paragraph 8, Chapter IV, section I of Manual of Audit Instructions.)

(4) For the purpose of Rule 26 (*c*), it is not necessary that re-appointments to the lower post on reversion from the higher officiating or temporary post should be made immediately in continuation of the duty in the higher post. Any interruption due to leave or reversion to the permanent post will not deprive a Government servant of the concession of counting his service in the higher post for increments in the lower post, if appointed thereto subsequently.

(5) The posts in temporary grades of pay in the Survey Department cannot be termed higher posts than the corresponding ones in the permanent establishment, with more onerous and responsible work attached to them for purposes of Rule 26 (*c*). Hence a Government servant in the Survey Department, who holds a permanent post in one scale of pay and is officiating in a higher scale of pay, cannot, when appointed to a corresponding temporary post on fixed pay, count his servce in the temporary post towards increment in the post in which he was officiating before he was appointed to the temporary post.

(G.O. Ms. No. 22, Revenue, dated 6th January 1931.)

(6) If a Government servant while officiating in a post is appointed to officiate in a higher post, his officiating service in the higher post will, if he is re-appointed to the lower post, count for increment in the lower post even though his officiating pay in the higher post is less than his officiating pay in the lower post.

*Example.*—A Government servant officiating as an Examiner of Copyists on Rs. 47 per mensem in the scale of Rs. 45—1—50 if appointed to officiate as clerk on Rs. 45 per mensem in the scale of Rs. 45—90 can count his officiating service as clerk on Rs. 45 per mensem for increment as Examiner in the stage of Rs. 47.

(7) In order to allow the period of officiating service in a higher post to count for increment in a lower post under the second sentence of Rule 26 (*c*), a certificate to the effect that the officer would have officiated in the lower post had he not been appointed to officiate in the higher post, should be obtained from the authority competent to appoint the officer to the lower officiating post.

(G.O. No. 163, Finance, dated 20th March 1933.)

(8) Government servants who were holding temporary or officiating posts on time-scale of pay in the Revenue Department and were transferred to the Cauvery-Mettur Project Establishment from that department and who, but for such transfer would have continued in the District Revenue Establishment during the period for which they were employed in connexion with the Cauvery-Mettur Project, should be allowed to draw the pay that they were drawing at the time of their transfer to the Cauvery-Mettur Project Establishment and to count their service in the temporary posts in that establishment for increments.

(G.O. Ms. No. 1237, Revenue, dated 18th June 1936.)

(9) Personnel borne on the Madras Ministerial and Last Grade Service in the office of the Civil Supplies Department and in the office of the Board of Revenue (Food Production) whose services in those offices will count towards probation in the regular line according to G.O. Ms. No. 449, Food, dated 16th April 1947 and G.O. No. 3, Food and Agriculture (Food Production), dated 4th January 1951, will also be permitted to count such service towards increments in their posts in their parent departments, irrespective of the difference, if any, between the scales of pay obtaining in the Civl Supplies Department and the Board of Revenue (Food Production) and those in their parent departments.

(Memorandum No. 29736-A-C.S.R.-1, dated 16th May 1951.)

(10) For the purpose of Fundamental Rule 26 (*c*), the officiating and temporary service in the higher post will include the periods of leave which count for increments in that post under Fundamental Rule 26 (*bb*).

[Govt. Memo. No. 79689, Finance (C.S.R.)-2, dated 27th January 1953.]

### Implications of Rule 26 (a) to (c).

The implications of clauses (*a*) to (*c*) of Rule 26 are as under:—

(i) Clause (*a*) prescribes that all duty, whether in a substantive or officiating capacity, in a post, permanent or temporary, either continuous or in different spells, counts for increment in the time-scale applicable to that post. All the other clauses provide for circumstances in which *interruptions* in duty in a post may so count.

(ii) Clause (*b*) prescribes that a Government servant holding a *permanent post* in a substantive or provisionally substantive capacity, is entitled to count interruptions of duty in that post due to (1) service in another post (permanent or temporary) whether in a substantive or officiating capacity, or (2) service on deputation, or (3) leave with leave salary, for increment in the time-scale applicable to that *permanent post*. This clause, thus, excludes from its scope interruptions of duty in an officiating capacity in a permanent or in a temporary post; these are covered by clauses (*bb*) and (*c*).

(iii) Clause (*c*) applies where the interruption of duty in an officiating capacity in a permanent post, or in any capacity in a temporary post, is caused by appointment to a higher permanent post in an officiating capacity or to a higher temporary post in any capacity. It provides that, subject to the restriction in the penultimate sentence of the clause, such inerruption counts for increment in the time-scale applicable to the lower post which he held previously, if he is re-appointed to that lower post, *whether immediately on reversion or after break.*

(Comptroller and Auditor-General's letter No. 117-A/185-44, dated 5th April 1945.)

**27.** An authority may grant a premature increment to a Government servant on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay.

*Note.*—In the case of officers promoted to All-India and Imperial Services, whose pay in such service is fixed with reference to the pay drawn by them before the promotion in a provincial or other service, cases may arise of an officer drawing less pay for a portion of each year than an officer junior to him subsequently promoted to the same service. The Secretary of State has empowered the Government of India in such cases to grant an advance increment of pay to the senior officer concerned. (Government of India No. 544-E.A., dated 7th June 1922, in G.O. No. 635, Finance, dated 26th July 1922.)

## RULINGS.

### Effect of grant of premature increments on future increments.

(1) When increments are granted in advance, it is usually the intention that the Government servant should be entitled to subsequent increments in the same manner as if he has reached his position in the scale in the ordinary course, and in the absence of special orders to the contrary he should be placed on exactly the same footing as regards future increments as a Government servant who has so risen.

(G.O. No. 567, Finance, dated 6th August 1919.)

(2) In drafting the Fundamental Rules it was clearly recognized that Rule 27 would enable initial rates of pay to be fixed otherwise than in the manner enunciated in Rule 22.

[Comptroller and Auditor-General's D.O. No. 2-A/408-23, dated the 3rd January 1924, to A.G., P. and T.]

(3) The expression 'scale of pay' represents the maximum of the scale which is to be taken into account for determining the authority competent to sanction increments rather than the stage of it.

(Letter No. 145-A/3-23, from Auditor, Government of India Sanctions.)

**Fixation of pay of a Government servant deputed for War Service on reversion to his Civil post.**

(4) A Government servant deputed for military service in connexion with the War, 1939, will be given advance increments, on his reversion to his civil appointment, which is equivalent to allowing him to count his military service for increments in his civil post.

*Note*—The above orders apply equally to the Indian Army Reservists holding civil appointments and who are called to Army Service during the present emergency.

[G.O. P. No. 1898, Public (Political), dated 23rd September 1940, and G.O. No. 2080, Public (Political), dated 21st October 1940.]

**28.** The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper.

**29.** If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, it shall operate to postpone future increments and if so to what extent.

*Instruction.*

*An authority ordering the temporary reduction of an officer should expressly state in the order that the period for which the reduction has been ordered will be exclusive of any interval spent on leave before that period is completed.*

**30.** *Pay of officiating Government servants.*—(1) Subject to the provisions of Chapter VI a Government servant who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post, other than a tenure post, unless the post in which he is appointed to officiate is one of those enumerated in the schedule to this rule or unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended :

Provided that the local Government may exempt from the operation of this rule any service other than an All-India service which is not organized on a time-scale basis and in which a system of acting promotion from grade to grade is in force at the time of the coming into force of these rules ; provided further that the Governor-General in Council may specify posts of outside the ordinary line of a service the holders of which may, notwithstanding the provisions of this rule and subject to such conditions as the Governor-General in Council may prescribe, be given any officiating promotion in the cadre of the service which the authority competent to order promotion may decide, and may thereupon be granted the same pay (whether with or without any special pay attached to such posts), as they would have received if still in the ordinary line.

(2) For the purpose of this rule the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made

is on the same scale of pay as the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended or on a scale of pay identical therewith.

SCHEDULE.

(1) District and Sessions Judge, First Grade.
(2) Sub-Collectors, First Grade, in the Madras Presidency.
(3) Selection Grade of the Indian Police.
(4) Accountants-General, Class I.
(5) Chief Engineers, Indian Service of Engineers, State Railways.
(6) Selection posts of Collectors of Customs on pay of Rs. 3,000.
(7) The following grades in the Telegraph Department;—
(a) Deputy Assistant Engineers, First Class.
(b) Deputy Assistant Electricians, First Class.
(8) Commissioners, First Grade, in the Bombay Presidency.
(9) Second Secretary to the Government of Madras.

*Note.*—In the case of ministerial and other establishments in which there are no grades in the sense in which the word is used in the Civil Service Regulations, the exception under Rule 30 is intended to cover where necessary all cases of the grant of acting allowances from the fixed rate of pay to another without change of duty in other than All-India services (Government of India, Finance Department No. 738-C.S.R., dated 13th July 1922, in G.O. No. 662, Finance, dated 5th August 1922).

RULINGS.

(1) The Statutory Rules issued for the various services will over-ride the Fundamental Rules, where the latter are repugnant to the former. Consequently the pay of an officer appointed to a post in a service should be fixed with reference to the Statutory Rules relating to that service notwithstanding anything contained in the Fundamental Rules. Thus when a Government servant holding a permanent post in one service is on probation in a post in another service, in which he is merely officiating, enhanced pay in respect of his officiating post may be granted under the Statutory Rules relating to that servicee it admissible under these rules. A declaration from Government as to the admissibility of officiating promotion under Rule 30 is not necessary in such cases.

(G.O. No. 485, Finance, dated 31st August 1932.)

(2) The condition in Rule 30 is waived in the case of forest rangers, foresters and forest guards and upper subordinates of the Madras Agricultural Department, so as to allow of acting promotions from one fixed rate of pay to another without change of duty except in vacancies caused by the grant of leave other than extraordinary leave without allowances.

(G.O. Ms. No. 1496, Development, dated 24th October 1922 and G.O. Ms. No. 2603, Development, dated 13th October 1943.)

Counting of service in the special post for increment.

(3) (i) It is not intended that the phrase "outside the ordinary line of service" in the second proviso to clause (1) of Rule 30 should be rigidly interpreted either as "outside the cadre of a service" or as "outside the ordinary time-scale." The form of words adopted was designed to allow the Government of India to exercise their discretion in regard to cases where exceptional circumstances which could not be foreseen and provided for by rule might arise.

(ii) The specification of a post under this proviso will enable a Government servant to count service in that post for increment in the grade in which he would have officiated had he not been holding the specified post.

(4) In relation to an officer of All-India Service, the second proviso to Rule 30 no longer subsist, being inconsistent with the Government of India Act, 1935.

(Comptroller and Auditor-General's U.O. Note I.S. A/203-40, dated 14th January 1941.)

(5) Though no change of duties is involved, deputation pay in England may be enhanced on account of officiating promotion in India.

[Ruling (13), section IV of Compilation of Audit Rulings.]

(6) A declaration by a State Government that a particular post involves more important duties or duties of a different character justifies the grant of officiating pay to a Government servant appointed to the post from another post in the same cadre.

[Ruling (14), section IV of Compilation of Audit Rulings.]

(7) The words 'duties' and 'responsibilities' used in Rule 30 are to be interpreted in a wide sense as including besides the work to be performed the general responsibilities and liabilities incidental to being member of a particular service.

[Comptroller and Auditor-General's No. 3971-A/676-23, dated 13th September 1923.]

(8) Higher officiating pay is not permissible in cases where different posts on different scales of pay have been merged into a single revised scale.

The decision contained in the above paragraph should have effect only from 11th September 1936 (or from 1st July 1937 in the cases of Central Public Works Department) and that higher officiating pay drawn prior to that date should not, therefore, be regarded as irregular and should be taken into account for purpose of fixing initial pay under Rule 22 on confirmation.

[Government of India, Finance Department, No. F. 15 (96)-Ex. 1/39, dated 23rd October 1939.]

(9) Officiating promotion from the posts of Headmasters of Certified Schools to the posts of Superintendents of Borstal Schools is permissible in the Madras Jail Service.

[G.O. Ms. No. 3041, Home, dated 2nd June 1939.]

(10) For the purpose of this rule the appointment to the post of First Physicist, Barnard Institute of Radiology, Madras, involves duties and responsibilities of greater importance than those attached to the post of Second Physicist.

(Comptroller and Auditor-General's letter No. G.A. Medl. III/41, dated 26th April 1950, and Memo. No. 9917 H/50-1, Health, dated 24th August 1950.)

(11) Officiating promotions will be allowed to the members of the Madras High Court Service in the following cases:—

(1) promotion from the posts of lower division clerks or typists or examiners or readers to that of chief operator, photostat machine;

(2) promtion from the post of assistant operator to that of chief operator, photostat machine; and

(3) promotion from the posts of copyists or circulation van driver or gollah or binder or attenders to that of assistant operators, photostat machine.

(Memorandum No. 14641-C.S.R./51-1, Finance, dated 12th March 1951.]

(12) The pay of draftsmen promoted as supervisors in the Public Works, Electricity and Highways Departments should be fixed in the scale of pay applicable to supervisors at the stage next above the pay they are actually drawing at the time of promotion subject to the following conditions:—

(i) Once the pay of such promotees is fixed in the category of supervisors as mentioned above, they will not be entitled to the higher rates of pay to which they would become eligible from time to time, consequent on their promotion to higher grades in the category of draftsmen; and

(ii) in cases where a draftsman officiating in a higher grade post is promoted as supervisor, he will be eligible to have his pay as supervisor fixed as mentioned above, only if he would have continued to officiate in

the higher grade post but for his appointment as supervisor. If. but for his appointment as supervisor, he would have been holding a lower grade post in the category of draftsman, his pay should be revised accordingly, i.e., he should be allowed to draw as supervisor, the minimum of the scale of pay of supervisors or his pay as draftsman, whichever is higher.

(Finance Memorandum No. 39397-C.S.R.-3, dated 26th June 1952.)

(13) The pay of members of the Workcharged Establishment and Operation Subordinate Service in the Electricity Department, who are appointed as Supervisors, Grade II, in the Madras Electrical Subordinate Service, may be fixed in the Supervisor's scale at a stage next higher than the pay drawn by them in the Workcharged Establishment or the Operation Subordinate Service, as the case may be.

[Govt. Memo. No. 27902, Finance (C.S.R.)-2, dated 1st May 1953.]

**31.** Subject to the provisions of Rules 30 and 35, a Government servant officiating in a post will draw the presumptive pay of that post, provided that, except in the case of a Government servant whose appointment to the post in which he is officiating was made on his own request under Rule 15 (*a*), if the presumptive pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended, should at any time be greater than the presumptive pay of the post in which he officiates, he will draw the presumptive pay of the permanent post.

## RULINGS.

### Pay of officiating Government servants, when the pay of post is reduced.

(1) The pay of a Government servant officiating in a post the pay of which has been reduced with effect from the next succession thereto is regulated on the reduced pay.

### When the pay is subject to increase.

(2) The pay of a Government servant officiating in a post the pay of which is subject to increase upon the passing of an examination or upon the completion of a certain period of service is the pay which he would from time to time receive if he held the post substantively.

### Example of proviso to Rule 31.

(3) A Government servant on Rs. 250 per mensem officiating in a post of which the pay is Rs. 225—50—425 gets an initial pay of Rs. 275 per mensem. If, while so officiating, his substantive pay is raised to Rs. 300 per mensem, his pay in the officiating post will not be refixed at the next higher stage, i.e., Rs. 325. He will draw Rs. 300 as pay and will go on to Rs. 325 after he had served a full year in the post on Rs. 275 and above.

(Comptroller and Auditor-General's No. 66-A, 349/22, dated 18th January 1923.)

(4) Superintendents of the Secretariat and the office of the Board of Revenue, when sent out to districts as Tahsildars or Deputy Tahsildars, shall not draw, while serving as Tahsildar or Deputy Tahsildar, pay or increments in excess of that sanctioned for Tahsildars or Deputy Tahsildars, as the case may be. Subject to this limitation, a Superintendent when sent out as Tahsildar or Deputy Tahsildar, may draw as starting pay his permanent pay as Superintendent. He will also be allowed to count any period of service as Superintendent in the particular stage in his permanent scale of pay, for increments to the next stage in the scale of pay sanctioned for Tahsildars, e.g., a Superintendent who has put in four months' service on Rs. 240 will be allowed to draw Rs. 250 in the scale of pay sanctioned for Tahsildars after he has put in eight months' service as Tahsildar.

(G.O. Ms. No. 840, Revenue, dated 27th April 1929.)

*Exception.*—The above ruling does not apply to cases of Superintendents of the Secretariat and of the Board of Revenue who are deputed for training in the Madras Revenue Subordinate Service under the scheme sanctioned in G.O. No. 276, Revenue, dated the 31st January 1950.

(Memorandum No. 33870-C.S.R.-1, dated 19th May 1952.)

(5) Pieceworkers in the Government Press, Madras, when appointed to officiate in posts of Deputy Foreman, Assistant Foreman, etc., on time-scales of pay, may be allowed to draw pay in the time-scales at any stage not exceeding their average earnings for the previous twelve months.

(G.O. No. 531, Finance, dated 23rd July 1929.)

**Fixing of initial pay of persons without substantive appointment on re-employment after discharge for want of vacancies.**

(6) If a person without any substantive appointment is selected for admission to a service and is ousted for want of vacancy, he will, on re-appointment, start only on the minimum pay in the time-scale applicable to the post with reference to note 1 under Rule 26 (*a*), unless advance increments are sanctioned by Government under Rule 27.

[G.O. No. 784, Public (Services), dated 21st September 1933.]

**Pay of military officers in civil employ.**

(7) (*a*) Leave on average pay up to four months admissible under Rule 100 to military officers employed under State Governments, shall be treated as privilege leave for the purpose of paragraph 43 of Pay and Allowances Regulations for the Army in India, Part I (Special), and the successor to an officer of the British Service, who is so employed, shall be eligible for the full pay of the appointment only from the date of expiry of the leave granted under Rule 100 to his predecessor. During the currency of the average pay leave, the successor shall get only the pay and allowances of his military rank or of the substantive appointment held by him.

(*b*) The decision in the foregoing paragraph will also apply to Indian Army Officers who are employed, in similar circumstances, in appointments under State Governments. The decision will have effect from 12th October 1934.

[G.O. No. 232, Public (Special), dated 15th October 1935.]

(*c*) It is also the intention of the above orders that all the military officers officiating in the chain of vacancies caused by the grant of leave on average pay under Rule 100 not exceeding four months are subject to the restrictions applicable to the drawing of officiating pay and allowances prescribed in paragraph 13 of Army Instruction (India) No. 15 of 1925 and paragraph 43 of the Pay and Allowances Regulations, Part I (Special).

(Letter No. 153-A/242-35, dated the 25th March 1936, from the Comptroller and Auditor-General to Comptroller, Assam.)

(*d*) The above orders apply to the officiating appointment of a military officer, even where the substantive incumbent is not a military officer subject to Military Rules and is granted leave on average pay corresponding to privilege leave under other rules in the Fundamental Rules. In the case of the post of Military Secretary to the Governor of Bombay, held by a retired officer, when that officer was granted leave on average pay under the ordinary leave rules in the Bombay Civil Service Rules Manual (corresponding to ordinary leave rules in the Fundamental Rules) and an A.D.C. who was appointed to officiate as Military Secretary, the Comptroller and Auditor-General ruled, with the concurrence of the Government of India, that, though the post of Military Secretary was treated as a civil temporary post (at least so long as it was held by a retired officer), this fact should not *per se* affect the emoluments which should ordinarily be admissible to the officiating incumbent who is subject to the Military Rules and that leave on average pay granted to the substantive incumbent to the extent of 1/11th of duty actually corresponded to privilege leave, and should be treated as such for the purpose of paragraph 43 of P. and A Regulations for the Army in India, Part I (Special).

(Comptroller and Auditor-General's letter No. 23-A/179-H-33, dated 27th January 1934, to Accountant-General, Bombay.)

(8) Please see ruling 10 (*a*) under Rule 19 regarding the grant of personal pay to save, from loss in emoluments, officers holding permanent posts on promotion to higher posts on the new revised scale of pay.

**31-A.** (1) Subject to the provisions of Rules 26 (*c*) and 35 and of sub-rule (2) of this rule, a probationer and an approved probationer in any service on duty shall draw pay as follows :—

(*a*) A probationer who does not hold a permanent post shall draw—

(i) while undergoing a course of instruction or training, the pay specified in the special rules in that behalf ; and

(ii) after completion of the course of instruction or training or where there is no prescribed course of instruction or training, the pay of the lowest grade or the minimum pay in the time-scale of pay, as the case may be, applicable to his class or category, subject to such orders as the Provincial Government may from time to time issue.

(*b*) A person who holds a permanent post—

(i) in a subordinate service and is appointed as a probationer in a corresponding Provincial Service or in another Provincial or Subordinate Service, shall draw the minimum pay of the officiating post, if it is higher than his substantive pay, without any regard to Rule 30 ; but if such minimum pay is lower than his substantive pay, the stage at which his pay should be fixed in the time-scale of the officiating post shall be determined with due regard to Rule 30 ;

(ii) in a Provincial Service and is appointed as a probationer in another Provincial Service, shall draw pay as in sub-clause (i) ;

(iii) in a class or category and is appointed on probation to a class or category in the same service involving the assumption of duties and responsibilities of greater importance shall draw pay under Rules 22 and 31.

(*c*) An approved probationer shall draw such pay as would be admissible to him if he were a full member of the service in the class or category in which he is holding a post.

(2) (i) (*a*) *Probationers whose period of probation is two years and whose increment is annual.*—A probationer, whether he is a direct recruit, transferee or promotee, shall be entitled to draw the first increment after putting in the service necessary to earn the increment, exclusive of the period during which he was undergoing a course of instruction or training, if any, applicable to the class or category of the post he holds ; his next increment shall, however, be drawn only with effect from the date on which he is declared to have completed his probation satisfactorily but the period of service from the date of the first increment shall count for subsequent increments.

(*b*) *Probationers whose period of probation is one year and whose increment is annual and probationers whose period of probation is two years and whose increment is biennial.*—A probationer

for whom the period of probation is one year and whose increment is annual or a probationer for whom the period of probation is two years and whose increment is also biennial, shall be entitled to draw increment only with effect from the date of satisfactory completion of probation, but the period of service from the date of appointment exclusive of the period during which he was undergoing a course of instruction or training, if any, applicable to the class or category of the post he holds, shall count for subsequent increments.

(c) *Probationers whose period of probation is one year and whose increment is biennial.*—When a probationer is not declared to have completed his probation satisfactorily within the period prescribed and his probation is extended, the increment shall be postponed by the period by which his probation is extended, but the period of service from the date of appointment exclusive of the period during which he was undergoing a course of instruction or training, if any, applicable to the class or category of the post he holds, shall count for subsequent increments :

Provided that the period of training which counts for probation and during which a Government servant is allowed the time-scale of pay of the post under the provisions of the relevant service rules need not be excluded for the purpose of clause (i).

(ii) A probationer or approved probationer shall be entitled to draw his substantive pay, if any, under Rule 31, if at any time that happens to exceed the officiating pay otherwise admissible under clause (*b*) or clause (*c*) of sub-rule (1), as the case may be.

**32.** *Omitted.*

**33.** When a Government servant officiates in a post the pay of which has been fixed at a rate personal to another Government servant, a local Government may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lower stage of that time-scale and future increments not exceeding those of the sanctioned scale.

*Note.*—Rule 33 prescribes the initial rate of pay of an officer officiating in a post the pay of which has been fixed at a rate personal to another Government servant. If the pay thus personally fixed is on a time-scale, it is not intended that an officiating incumbent should be debarred from drawing increments in the time-scale according to the ordinary rules (Comptroller and Auditor-General's letter No. 144-A/34-24, dated the 2nd March 1922).

**RULING.**

**Powers of a State Government as regards the grant of sterling overseas pay.**

If a Government servant, who is personally qualified to draw overseas pay, is appointed to officiate in a post on a time-scale, the pay of which is fixed personally for the substantive holder of the post and includes sterling overseas pay, the lowest stage in the time-scale, for the purpose of Rule 33 is the minimum of the time-scale, *plus* the sterling overseas pay included in the pay fixed personally for the substantive holder of the post. A State Government is, therefore, competent to grant such officiating Government servants the sterling overseas pay included in the pay fixed personally for the substantive holder of the post.

**34.** *Omitted.*

**35.** A local Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

*Note* 1.—This rule makes it possible to dispense with charge allowances and the system of holding charge. It also obviates the necessity for special rules fixing definite rates of allowances for definite acting incumbents. There may be other cases also in which the local Government will wish to give less than the full pay, particularly those of Government servants without substantive posts and cases in which they exercise the powers conferred by the exception under Rule 30.

*Note* 2.—If a Government servant holding one post substantively and officiating in a higher post has a break in his officiating tenure of the higher post for a period not exceeding two months, he shall, on rejoining duty in the higher post, draw only the rate of pay which would be admissible to him if the two periods of officiating tenure were treated as continuous; and he shall not be entitled to have his pay refixed in the officiating post at the stage next above his substantive pay. (Vide Finance Department G.O. No. 691. dated 13th November 1935.) This provision applies to all officers under the rule-making control of the State Government.

*Explanation.*—The term " break " occurring in the above note includes breaks in the officiating tenure due to leave other than leave which counts for increments in the officiating post, promotion to another post which period does not count for increment in the officiating post or reversion to a lower post.

*Note* 3.—The pay of an officer who is under the administrative control of the local Government but not under their rule-making control, should also be fixed in accordance with Note 2 above, after obtaining the orders of Government in each case.

*Delegation under Rule* 35.

The head of a department is empowered to exercise full powers under this rule.

## RULINGS.

### Scope of the rule.

(1) One class of cases falling under this rule is that in which a Government servant merely holds charge of the current duties and does not perform the full duties of the post.

### Fixation of initial pay of a Government servant on his confirmation in a post in which he officiated previously but drew pay which was less than the minimum of the time-Scale attached thereto.

(2) When a Government servant is appointed to officiate in a post on a time-scale of pay but has his pay fixed below the minimum of the time-scale under Rule 35, he must not be treated as having effectually officiated in that post within the meaning of Rule 22, or having rendered duty in it within the meaning of Rule 26. Such an officer, on confirmation, should have his initial pay fixed under Rule 22 (*b*) and draw the next increment after he has put in duty for the usual period required calculated from the date of his confirmation.

(3) If a Government servant appointed to officiate in a higher post takes charge of that post on an afternoon and earns an increment in the scale attached to his permanent post with effect from the next day, his pay in the officiating post should be fixed with reference to the substantive pay on the date of taking over charge, even though he will draw the officiating pay with effect from the next day only, i.e., the increment should not be taken into account in fixing his officiating pay.

[Memorandum No. 13118-E-1, Home, dated 20th April 1938.]

**36.** A local Government may issue general or special orders allowing acting promotions to be made in place of Government servants who are treated as on duty under Rule 9 (6) (*b*).

*Subsidiary Rules under Rule* 36.

1. In cases where a cadre includes provision for a training reserve and in the case of members of the process-service establishment undergoing training in survey schools, officiating arrangements are inadmissible in the place of Government servants deputed for training.

2. In other cases, officiating arrangements are allowed if the period of training extends to one month or more. If it is less than a month, no arrangements can be made except under the special sanction of Government.

3. Acting appointments are permissible in order to arrange for engineering officers being relieved from duty under rule (2) of the subsidiary rules under Rule 9 (6) (*b*) (iii) to enable them to prepare for examinations.

**RULINGS.**

(1) In future substitutes may be appointed in the place of Government servants undergoing training in the Indian Territorial Force. But the appointing authorities are required to see that, as far as possible, no substitute is appointed when the period of training is less than one month.

[G.O. No. 963, Public (Political), dated 14th June 1939.]

(2) The Director of Fisheries has been authorized to appoint, subject to the condition that no extra expenditure is thereby incurred, substitutes in the place of teachers employed in Fisherman Elementary Schools when they are deputed to undergo training in the Indian Territorial Force.

(G.O. Ms. No. 1144, Development, dated 7th August 1926.)

(3) In the place of Government servants deputed for training in the Indian Signal Corps and other Arms of the Indian Army Reserve substitutes may be appointed subject to the provisions of subsidiary rules 1 and 2 under Rule 36.

(G.Os. Ms. No. 806, Public, dated 30th August 1927, and No. 833, Public, dated 8th August 1929.)

**37.** *Personal pay.*—Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

**38.** *Pay of Official Members of the Indian Legislature.*—A Government servant nominated as the member of the Legislative Assembly or the Council of State shall receive, while serving on the Assembly or the Council, the pay which he would from time to time have drawn had he not been so serving. He shall receive, in addition, such travelling allowance as the Governor-General in Council may fix.

**39.** *Pay of temporary posts.*—When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the

minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

### RULING.

**Special duty or deputation in India.**

Under the Fundamental Rules, special duty or deputation in India will not be recognized. A temporary post will be created for the performance of that duty. If the special duty is to be undertaken in addition to the ordinary duties of the Government servant then Rules 39 and 49 will apply.

**40.** When a temporary post is created which will probably be filled by a person who is already a Government servant its pay should be fixed by the local Government with due regard to—

(*a*) the character and responsibility of the work to be performed, and

(*b*) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

*Instruction under Rule* 40.

*When a subordinate authority intends appointing a person already in Government service to a temporary post which he is empowered to create, he cannot under the above rule fix the pay of the temporary post created at an amount in excess of the pay of the Government servant, without the sanction of Government.*

### RULINGS.

**Fixation of the pay of temporary posts outside the regular line of a service.**

(1) (*a*) The following principles contained in Article 81, C.S.R., should govern the grant of enhanced pay to Government servants whether placed on "special duty" within their departments or "on deputation" outside them:—

(i) A Government servant placed on "special duty" or "on deputation" should have the pay of his temporary post fixed at what his pay would have been from time to time in the regular line had he not been so deputed.

*Note.*—If the sanctioning authority is satisfied that a Government servant so deputed would otherwise have been advanced very shortly afterwards to a post carrying higher pay than that which he was drawing at the time his "special duty" or "deputation" begins, and would continue to hold such a post for approximately the same period as his temporary post is expected to last, he may take this fact into account and fix a uniform pay throughout the period.

(ii) The sole criterion for sanctioning enhanced pay in such cases is proof of a decided increase of work or responsibility in comparison with the duties of the post which the Government servant would otherwise occupy in the regular line. Where the test of comparative responsibility is not practicable, Rule 40 may be followed.

(iii) Any extra remuneration sanctioned because of such increased work or responsibility should in no case exceed, without the special sanction of Finance Department, one-fifth of substantive pay or Rs. 10 a day whichever is less.

(*b*) Government servants deputed to posts substantively parallel in work and responsibility to the posts which they would otherwise have occupied should receive no increase in pay, though the peculiar circumstances in which their duty is to be performed may justify reasonable compensatory allowance.

(*c*) The foregoing principles may, however, be relaxed in exceptional cases, where having regard to the importance of the duties, it is necessary to secure officers with special qualifications on special terms.

(*d*) The pay of the temporary posts referred to is now being fixed according to expediency, sometimes as pay *plus* special pay, and sometimes

as consolidated pay. The correct method is to fix a consolidated pay split up, if convenience so dictates, into rupees and sterling elements.

(G.I., F.D., No. F. 13-XIX Ex. I-31, dated 7th January 1932.)

(2) *See* ruling 2 under Rule 114 for Government of India decision, regarding fixation of pay of officers in receipt of overseas pay on appointment to temporary Government posts.

(3) In the matter of sending Government servants to famine duty, temporary posts should be created by the competent authority concerned on a fixed pay which would give the Government servant employed an increase over his permanent pay on the scale sanctioned to Government servants employed in hill stations. [*See* Class V (*a*)—Hill Stations of Appendix to Part I of the Madras Manual of Special Pay and Allowances.] This concession will not be admissible in the case of Government servants employed in connection with test works, nor will it apply to temporary men or those recruited on special pay for famine work.

No allowance is admissible in the case of Government servants solely employed on office work and not responsible for regular famine relief operations, such as famine accountants, travelling auditors and accountants.

(G.O. Ms. No. 1420, Revenue, dated 21st September 1923.)

(4) Men holding permanent posts in the Settlement Parties or in other Departments of Government who are appointed by Special Settlement Officers or Collectors to temporary posts created by the Board of Revenue may draw the full pay of the temporary posts without the sanction of the Government. The subsidiary rule under Rule 40 does not apply.

(G.Os. Ms. No. 6, Revenue, dated 3rd January 1929, and No. 498, Revenue, dated 5th March 1931.)

### Instructions for regulating the pay admissible to incumbents of temporary posts on fixed pay.

(5) When sanction for additional staff is given for doing additional work, two courses are open, viz.—

(i) To sanction temporary staff with special reference to the requirements of the additional work to be done and with the specific intention that the men holding the temporary posts should do the work. In such cases, if the intention is to post permanent men, the rates of pay are so fixed as to be suitable for them. If permanent men are appointed to these posts, their substitutes will draw pay in accordance with the ordinary rules in the Fundamental Rules.

(ii) To sanction temporary posts on specific rates of pay (whether fixed or time-scale) without special reference to the nature of the additional work involved, but with the intention that the appointing authority may utilize the service of any person for the additional work and not necessarily the men holding the temporary posts. In this case, the orders merely amount to permitting the appointing authority to recruit men to the temporary posts, to treat them as part of his establishment and to utilize the services of such persons of his entire establishment as are most suitable for the additional work. Then, the permanent men doing the additional work do not vacate their permanent posts but continue to hold them and the juniormost men recruited against the temporary posts hold only the temporary posts though they do not perform the additional work on account of which the temporary staff was sanctioned. As the latter men are not appointed to the posts held by permanent men, the question of fixing their pay in the permanent posts does not arise and they can draw only the pay fixed for the temporary posts.

The question whether an outsider (i.e., a person without a substantive appointment) recruited in consequence of the creation of a temporary post on fixed pay can count his service for increments or not will, therefore, depend upon whether the temporary post was created with the special intention that the person holding the temporary post should do the work or not. Unless a contrary intention is expressed in the orders sanctioning the temporary post it may be presumed that the intention of Government is that the procedure in item (ii) above should be adopted.

**41.** *Cancelled.*

**42.** *Cancelled.*

**43.** *Subsistence grants.*—The amount of subsistence grant in the case of a member of the Indian Civil Service or of a military commissioned officer subject to the Civil Leave Rules shall be such as the Secretary of State in Council may, by general order, prescribe.

*Note to Rule* 43.—The Secretary of State in Council has been pleased to issue the following general orders under Fundamental Rule 43:—

(1) The subsistence grant of a member of the Indian Civil Service, a statutory civil servant or a military commissioned officer subject to the Civil Leave Rules shall be as shown in the following table:—

| Period spent by the Government servant on duty in India. | Amount of the grant: If drawn out of Asia. | | Amount of the grant: If drawn in Asia. |
|---|---|---|---|
| | £ | | RS. |
| Not more than eight years .. .. .. | 33⅓ | or the amount of leave salary to which he would be entitled if he were on leave on half average pay, whichever is less. | 333⅓ |
| More than eight, but not more than twelve years. | 42⅔ | | 426⅔ |
| More than twelve, but not more than sixteen years. | 53⅓ | | 533⅓ |
| More than sixteen years .. .. .. | 66⅔ | | 666 |

(2) The subsistence grant of a Government servant appointed in the United Kingdom, other than the Government servants mentioned in paragraph (1) above, who, on first arrival in India, is prevented by illness from proceeding to the seat of Government to which he is attached or to any other station to which he is ordered to proceed direct, shall be Rs. 250 or the pay to which he will be entitled when he takes over charge of his duties, whichever is less (Government of India, Finance Department, Resolution No. 421-C.S.R., dated 10th May 1922, in G.O. No. 504, Finance, dated 31st May 1922).

## CHAPTER V—ADDITIONS TO PAY.

**44.** *Compensatory allowances.*—Subject to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor-General in Council or the Governor in Council, as the case may be, and to the general rule that the amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, a local Government may grant such allowances to any Government servant under its control and may make rules prescribing their amounts and the conditions under which they may be drawn.

*Note.*—With reference to Fundamental Rule 44 and to the Government of India, Finance Department, Resolution No. 1000-F.E., dated the 22nd May 1922, the Secretary of State in Council is pleased to reserve to himself the power of sanctioning the grant to Government servants of exchange compensation allowance and to issue the following orders regarding the conditions under, and the rate at which exchange compensation allowance may be drawn:—

1. In these orders—

(*a*) *Current rate of exchange* means the rate of exchange for telegraphic transfers from Calcutta on London on the twentieth day of the month preceding that in which a claim for exchange compensation allowance is made.

(*b*) *Exchange compensation allowance* means a compensatory allowance granted to compensate a Government servant for a fall of the sterling value of the rupee below one shilling and six pence.

(*c*) *Quarter* means a period of three months, ending on the 31st March, the 30th June, the 30th September or the 31st December.

2. The following classes of Government servants may draw exchange compensation allowance:—

(a) Members of the Indian Police Service, recruited prior to 1906, who were in receipt of the allowance on the date on which these orders came into force.

(b) Government servants, who, on the date on which these orders came into force, were serving under a contract which provided for the grant of the allowance, for so long as they continue so to serve.

(c) Any other Government servant whom the Secretary of State in Council may declare to be eligible for the allowance.

3. The amount of exchange compensation allowance admissible to a Government servant is the number of rupees by which one-half of his pay falls short of the sum which, when converted at the current rate of exchange, will yield the sterling equivalent of one-half of his pay converted at the rate of one shilling and six pence, provided that the total amount of exchange compensation allowance drawn by a Government servant in any quarter shall not exceed the number of rupees by which a sum of £250 converted into rupees at the rate of one shilling and six pence, falls short of the rupee equivalent of the same when converted at the current rate of exchange.

4. (a) Exchange compensation allowance cannot be drawn by a Government servant while on foreign service or under suspension.

(b) Exchange compensation allowance, if otherwise admissible, may be drawn by a Government servant during the first four months of any period of leave on average pay.

## *Subsidiary Rules under Rule 44.*

1. Compensatory Allowances include—*

(a) House-rent allowances;

(b) Local allowances granted on account of the expensiveness or unattractiveness of a locality;

(c) Other miscellaneous allowances, such as uniform allowances, ration allowances, etc.;

(d) Travelling allowances;

(e) Exchange compensation allowance.

2. A compensatory allowance attached to a post will be drawn in full by a Government servant performing the duties of the post.

3. *House-rent allowances.*—A house-rent allowance attached to a post will be paid to the Government servant officiating in the post, provided that, subject to mutual arrangement, it may continue to be paid to the Government servant for whom he is officiating for a maximum period of four months.

4. *Local and miscellaneous allowances.*—The competent authority may, after recording his reasons, which should be communicated to the Audit department, permit a Government servant proceeding on leave, or relieved temporarily for preparing for or attending an examination, or transferred temporarily from a post to which an allowance coming under clauses (b) and (c) of rule 1 is attached, to draw the allowance or part of the allowance for a period not exceeding four months, without prejudice to the Government servant officiating for him also drawing it. The competent authority, in arriving at a decision, will be guided by the following considerations:—

Whether the Government servant is expected to return to a post to which a similar allowance is attached, and whether he will continue to be involved during leave, etc., in the expenses to meet which the compensatory allowance was granted.

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* Vide the Madras Manual of Special Pay and Allowances.

In the absence of these considerations the allowance cannot be drawn.

*Note* 1.—The competent authority under this rule is the authority who sanctions the leave, relief or transfer.

*Note* 2.—The competent authority should in cases in which the subsidiary rule operates, embody in the orders sanctioning the leave or transfer, a certificate regarding the likelihood of the Government servant's return either to the post from which he proceeds on leave or transfer or to another post carrying a similar allowance.

In the case of an allowance granted for the expensiveness of living, the Government servant should certify that he or his family or both resided for the period for which the allowance is claimed at the old station or at another station in which he would be entitled to a similar allowance. In the case of other allowances, the Government servant should certify that for the period for which the allowance is claimed, he continued to incur the expenses to meet which the allowance was granted.

For the purpose of this rule, " family " includes the wife and children, including an adopted son of a Government servant residing with and wholly dependent on him. In the case of a woman Government servant, the term " family " will not include her husband unless he is wholly dependent on her. Nor will the term include a married daughter after the date on which she was placed under her husband's protection.

4-A. In the absence of the certificate referred to in the first paragraph in note 2 to subsidiary rule 4, a Government servant may be permitted to draw house-rent allowance during leave provided that—

(i) he actually return to the same post from which he proceeded on leave or to another post carrying a similar allowance;

(ii) he certifies that he has incurred during the leave the expenses to meet which the allowance is claimed; and

(iii) the allowance shall be drawn only on the return of the Government servant from leave.

5. When a Government servant is transferred from a post in which he draws a compensatory allowance (other than a travelling allowance) to a post to which a compensatory allowance of a like nature is attached, he may draw the allowance during joining time, provided that, if the rates of the allowances differ, he may draw the lower rate only.

6. Travelling allowance has been dealt with separately.*

7. *Rules regarding the grant of compensation for dearness of provisions.*—(1) The grant of grain compensation allowances will be permissible only in sudden and temporary emergencies when ordinarily rice sells at less than two Madras measures (or three seers) per rupee.

*Note.*—Ordinarily the question whether or not grain compensation allowance should be given will be determined with reference to the price of rice; but this will be subject to reconsideration, should it appear that any particular sudden and temporary increase was confined to rice and did not extend to other foodgrains.

(2) When the grant has been sanctioned, all whole-time servants of Government in Civil establishments, including subordinates paid from the Consolidated Fund of India, who are under the administrative control of the State Government whose pay is below Rs. 45 per mensem

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* Vide the Madras Manual of Special Pay and Allowances, Volume I, Part II.

will be eligible for extra allowances at rates not exceeding those prescribed below:—

(a) Men drawing pay less than Rs. 30 per mensem—Rs. 2½.

(b) Men drawing Rs. 30 and above but not more than Rs. 40 per mensem—Rs. 5.

(c) Men drawing more than Rs. 40 but less than Rs. 45—Allowances sufficient to make their emoluments Rs. 45 per mensem.

(3) For purposes of these rules, the district will be taken as the unit for comparing the prices of the various foodgrains.

(4) Local and hill allowances, travelling allowance (including conveyance allowance), uniform allowance, tentage allowance, house-rent allowance, overtime allowance, fees and ration allowance will not be taken into account in determining pay for the purposes of these rules. All other forms of remuneration besides pay proper, viz., officiating pay, special pay, personal pay and pensions will be taken into account.

(5) The allowance will be determined with reference to the total pay drawn in a month and not with reference to the rate at which pay for the month or for any part of it is drawn. When a Government servant is on leave or under suspension for part of a month, the rate of grain compensation allowance admissible will be determined with reference to the pay during the duty portion of the month and not on the basis of the total amount drawn in the month.

(6) The allowance will be admissible to men who are officiating or in temporary employment, and also to piece-workers in Government Presses provided that their ordinary remuneration has been fixed with reference to normal circumstances, but the allowance will not be granted to men absent on leave or under suspension or to part-time servants who are only engaged by Government for specific duties which do not prevent their earning money in other ways.

(7) The orders in each case will be strictly temporary, and unless specially renewed will in no case be held to continue in force beyond the end of the month in which they were issued.

(8) In the case of establishments of touring officers who have jurisdiction over more than one revenue district, the rate of grain compensation allowance to be admitted will be that of the district in which the headquarters is situated.

## RULINGS.

### Validity of orders issued by authorities in India reducing compensatory allowances and title to compensation in the event of the allowance being reduced or abolished.

(1) Officers protected by the proviso to sub-section (2) of section 96 (B) of the Government of India Act, 1919, are equally with officers not so protected, subject to the rule-making powers delegated to the Government of India and State Governments by the Classification Rules and by Rule 44. There being an express or implied condition in the rules regulating compensatory allowances that they are not to be a source of profit, a protected officer would have no legal claim to compensation for the reduction or withdrawal of a compensatory allowance unless he could show that he had been put to actual loss by that reduction or withdrawal.

(Government of India, Home Department, No. F. 507/31-Ests., dated 24th June 1933.)

(2) A Hill allowance is a compensatory allowance.

*Note.*—The Inspector-General of Police is empowered to sanction hill allowances to the police staff deputed for duty in connexion with the prevention of coffee stealing in the districts of Salem, the Nilgiris and North Malabar without reference to Government, provided that the rates of allowances do not exceed those ordinarily admissible to Police officers permanently stationed at the localities mentioned.

(G.O. No. 297, Judicial, dated 17th February 1908.)

**Special pay for unhealthy localities and compensatory allowances.**

(3) G.O. No. 778, Finance, dated 31st August 1923, sanctioning special pay for certain non-gazetted Government servants employed in unhealthy localities and G.O. No. 685, Finance, dated 31st July 1923, as modified by G.O. No. 820, Finance, dated 19th September 1923, sanctioning compensatory local allowances for certain non-gazetted Government servants in hill stations and other expensive localities do not apply to temporary posts. In the case of such posts the grant of special pay and allowances should be regulated by the specific orders issued in each case.

Special pay and compensatory allowances on the scale laid down in rules 12 and 14 of Part I of the Manual of Special Pay and Allowances, Volume I, may, however, be admitted in the case of temporary employees in the Public Works Department who have been given pay in the cadre scale allowed to corresponding men on the permanent establishment.

(G.I., F.D., No. 42560-1/C.S.R., dated 6th January 1926, No. 8780-13/C.S.R., dated 30th March 1926, and G.O. Ms. No. 560 W., dated 22nd May 1926.)

(4) Veterinary Assistant Surgeons appointed to discharge the duties in temporary posts, whether they hold permanent posts in the cadres or not, are eligible for special pay and allowances at the same rates as incumbents of permanent posts are eligible for, for doing duty in the specified localities.

(G.O. Ms. No. 535, Development, dated 5th March 1937.)

(5) In the case of an unpassed clerk, who cannot draw more than the minimum pay of the time-scale, the rate of special pay admissible to him for service in an unhealthy locality should be based on the pay actually drawn which should be taken as the average pay.

(6) Unpassed clerks though barred at Rs. 70 in the time-scale of Rs. 45—90 should be deemed to be holders of that time-scale (Rs. 45—90) and allowed the special pay that is admissible for that time-scale posts.

(Finance Memo. No. 23721-E-II-2, dated 27th August 1941, and G.O. No. 78, Finance, dated 6th February 1947.)

**Allowances for famine duty—Compensatory.**

(7) Allowances granted to civil officers serving outside their States or to military officers within their State for famine duty are compensatory allowances and not special pay.

(G.O. No. 457, Finance, dated 6th June 1918.)

**Local and Miscellaneous allowances.**

(8) Subsidiary Rule 4, read with Rule 93, will permit the drawal by officers under the administrative control of the State Government of the compensatory allowance during the first four months of leave irrespective of the nature of the leave, whether it be on average or half average pay.

(G.O. Ms. No. 390, Finance, dated 12th June 1931.)

(9) Compensatory allowance may be drawn during maternity leave provided the conditions specified in subsidiary rule 4 under Rule 44 are fulfilled.

(Finance Memo. No. 32485-1/C.S.R., dated 13th November 1928.)

(10) Women Government servants governed by the Madras Leave Rules are eligible to draw compensatory allowance during maternity leave in accordance with subsidiary rule 4 under Rule 44, i.e., for the first 90 or 30 days as the case may be.

(G.O. No. 179, Finance, dated 16th February 1950.)

(11) Madras House Allowance is not admissible to a Government servant during the period of extraordinary leave when no leave salary is drawn.

(Finance Memo. No. 8991-Pen./150-1, dated 22nd February 1950.)

(12) The following classes of compensatory allowances to Medical Officers are not admissible during leave:—

(i) Compensatory allowance granted for loss of private practice.

(ii) Compensatory allowances granted in lieu of a share of fees realized in Government Medical Institutions and the King Institute, Guindy, from private work.

[G.O. No. 631, P.H. (L.S.G.), dated 27th February 1936.]

(13) If a Government servant in receipt of house allowance under the Madras House Allowance Scheme proceeds on leave for a period extending beyond the half-year or year for which it was sanctioned, he may be allowed by a competent authority under this rule to continue to draw during the whole period of such leave, house allowance at the rate drawn prior to proceeding on leave, provided the conditions laid down in this rule are satisfied.

(Finance Memo. No. 36308-C.S.R.-2, dated 12th January 1935.)

(14) (i) *Compensatory Allowances.*—The compensatory allowance admissible to an officer appointed under the emergency provision in Rule 10 (*a*) (*i*) of the general rules for Subordinate Services will be the amount admissible to him with reference to the average pay of the post held by him substantively, if he draws substantive pay under Rule 10 (*b*) ibid. If, however, he draws minimum pay in the time-scale of pay of the post to which he is appointed, the compensatory allowance admissible will be based on such pay which should be deemed as fixed pay because the period of the emergency appointment will not count for increments. *See* example below.

If, on the other hand, he is allowed to draw increments in the time-scale of pay applicable to the post held by him by relaxing the provisions of Rule 10 (*b*) *ibid*, the pay drawn by him from time to time may be deemed as fixed pay for the purpose, and compensatory allowance may be granted to him on the basis of such pay or the average pay of the post, whichever is less.

(Memorandum No. 40725-C.S.R.-1, dated 6th June 1952).

*Example.*

| Substantive appointment held. | Post to which appointed under Rule 10 (*a*) (i) of the general rules for Subordinate Services. | Pay drawn. | Compensatory allowance admissible under Class V (*b*)—Other Expensive Localities. | Special pay (Class III). | Remarks. |
|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| | | | RS. A. P. | RS. A. P. | |
| Clerks .. | Sub-Registrar | 1. Substantive pay in the scale of— | | | |
| | | (*a*) 45—90 .. | 9 0 0 | 13 8 0 | The officer cannot be granted the compensatory allowance of Rs. 13–8–0 and special pay of Rs. 36 which are the rates applicable to an officer drawing pay in the time-scale. |
| | | (*b*) 80—125. | 13 8 0 | 36 0 0 | |
| | | 2. Minimum of Rs. 80 (average pay in this case being Rs. 80). | 9 0 0 | 22 8 0 | |

(ii) *Special pay.*—The principle laid down in sub-paragraph (i) above in regard to compensatory allowance should also be applied in regulating the special pay for unhealthy localities.

(G.Os. No. 2040, Revenue, dated 11th August 1939, and No. 2496, Revenue, dated 26th September 1939.)

(15) Madras House Allowance should be treated as a *local allowance* granted on account of expenditure and not as a house-rent allowance.

(G.O. No. 238, Finance, dated 20th April 1933.)

*Note* (1).—When an officer is transferred to a new post, the refixation of the house allowance admissible to him in his new post with reference to his emoluments in that post but on the basis of the rent paid on the first day of the half-year is not a case of upward variation for purposes of ruling (16) under rule 13 in Part I of the Madras Manual of Special Pay and Allowances.

(Finance Memo. No. 43161-C.S.R.-1, dated 4th January 1935.)

*Note* (2).—When a Government servant drawing Madras House Allowance goes on deputation and on return takes up a house on higher rent, the higher rent can be adopted for the purpose of determining the allowance payable from the date on which the Government servant returns to duty, provided no Madras House Allowance was drawn during the deputation period.

(Finance Memo. No. 55968-Pen./49-1, dated 1st September 1949.)

(16) The rent sanctioned by Government for living in the hotels should be regarded as the basic rent for purposes of sanctioning the Madras House Allowance in respect of any private house subsequently engaged during the course of that half-year.

(Memo. No. 5045-D-2/49-2, P.H., dated 7th February 1949.)

(17) Except in the case of Government servants drawing emoluments exceeding Rs. 1,000 per mensem, the grouping of Government servants for purposes of the maximum Madras House Allowance should be as follows:—

| *Classes of posts.* | *Basis of grouping.* |
|---|---|
| 1. Posts on time-scales .. .. .. .. | Minimum pay of the particular time-scale. |
| 2. Posts distributed into grades— | |
| (*a*) Grades on time-scales .. .. .. | Minimum of the time-scale of the particular grade. |
| (*b*) Grades on fixed pay .. .. .. | Actual pay of the particular grade. |
| 3. Posts on fixed pay .. .. .. .. | Actual pay. |

(Finance Memo. No. 15423-C.S.R.-1, dated 19th June 1933.)

(18) Madras allowance and Hill allowance, though grouped in two different classes, viz., Classes IV and V respectively, in the Madras Manual of Special Pay and Allowances, are allowances of a like nature for the purposes of subsidiary rule 5 under Rule 44.

(Home Department Memo. No. 3338-A-2, dated 28th June 1937.)

(19) In cases of sanctions to leave accorded after a Government servant has returned to duty to the same post or a post carrying a similar allowance after the expiry of the leave, the certificate to be appended for the purpose of note 2 to subsidiary rule 4 under Fundamental Rule 44 is as follows:—

"Certified that at the time, the Government servant was permitted to proceed on leave, he was expected to return to the post from which he proceeded on leave or to be transferred to another post carrying a similar allowance."

(Finance Memo. No. 17500-C.S.R.-1, dated 17th March 1953.)

(20) The fact that during the first one or more spells of leave, a Government servant was not allowed to draw Madras House Allowance for the reason that the conditions laid down for the purpose were not satisfied, will not prevent the drawal of the allowance by him during the subsequent spell or spells of leave if the conditions have since been satisfied, e.g., if the certificate referred to in note 2 to subsidiary rule 4 was not given in a case while sanctioning leave but is given while sanctioning an extension of leave, the Government servant may draw Madras House Allowance during the extended period of leave.

(G.O. Ms. No. 990, Finance, dated 3rd July 1953, and Memorandum No. 64305, C.S.R., dated 10th September 1953.)

**45.** A local Government may make rules laying down the principles governing the allotment to officers serving under its administrative control, for use by them as residences, of such buildings owned or leased by it, or such portions thereof, as the local Government may make available for the purpose. Such

rules may lay down different principles for observance in different localities or in respect of different classes of residences, and may prescribe the circumstances in which such an officer shall be considered to be in occupation of a residence.

*Subsidiary Rules under Rule 45.*

1. *Allotment of residences.*—(i) Buildings acquired, constructed, or leased by Government for the occupants of particular posts shall ordinarily be occupied by the officers holding those posts.

(ii) Where any question is raised as to which officer has the prior title to occupy a particular house, or if no officer wishes to occupy a house, as to which officer shall be required to pay rent for it, the question shall be decided by the Collector and the Superintending Engineer sitting together.

(iii) In the City of Madras, houses will be allotted to applicants in consideration of the general public convenience and priority of application by the Secretary to Government, Public Works Department, and the Chief Secretary sitting together:

Provided that nothing contained in this sub-rule shall apply to the allotment of the official residence "Brodie Castle".

(iv) It will be the duty of the Executive Engineer to report every case of vacancy as soon as it is known that it is likely to arise and to take prompt steps to ensure that no house is allowed to remain vacant for a day longer than is unavoidable.

2. *Exchange of residential buildings by officers of the same station.*—Any two officers at a station may exchange the buildings allotted to them with each other as a purely private arrangement, but each officer will continue to be responsible for the rent of the building assigned to him.

3. *Sub-letting of residences.*—The sub-letting of an official residence may be permitted only under the following conditions:—

(i) The previous sanction of Government should be obtained for sub-letting;

(ii) the officer will still remain personally responsible for the rent and for any damage caused to the building beyond fair wear and tear;

(iii) Government will not recognize the sub-tenancy;

(iv) the rent to be charged by the officer to his tenant should not, except with the sanction of the State Government in special circumstances, exceed the rent paid by the officer to Government;

(v) sub-tenancy should continue only for so long as the officer who makes the arrangement holds the appointment for which the official residence is provided.

4. *Officers on leave.*—An officer who goes on leave should be held to have ceased to be in occupation of the building from the date of commencement of leave, unless, for any reason, a competent authority decides otherwise.

*Note* 1.—The local administrative head of the department may grant permission to occupy Government quarters to officers proceeding on leave on average pay not exceeding four months; in other cases the permission of the State Government is necessary.

A Government servant in last grade service, whether permanent or not, proceeding on leave without allowances for a period not exceeding one month, may be permitted to occupy Government quarters during the period of leave

on payment of rent at concessional rates. Such permission will be granted by the authority competent to make a permanent appointment to the post held by the Government servant.

*Note* 2.—The Superintending Engineer, Mettur Electricity System, may permit Government servants on leave to occupy Government quarters at Mettur up to a maximum period of four months irrespective of the nature of the leave.

*Note* 3.—The Director of Agriculture may permit Government servants on transfer to retain up to a maximum period of one month the Government quarters allotted to them in their previous posts.

*Note* 4.—The Collector of the Nilgiris may sanction the retention of Government quarters by Government servants on transfer at their old stations for a period not exceeding one month.

5. An incumbent, whether permanent or temporary, of an appointment, for whose benefit a house has been constructed or purchased or leased by Government under the conditions specified in paragraphs 269-A and 269-B of the Madras Public Works Department Code, will be held responsible for the prescribed rent during his tenure of the appointment. In the following cases, however, no rent will be recovered, provided that the head of the department or the authority competent to make a permanent appointment to the post for the incumbent of which the house is intended furnishes a certificate to the officer responsible for the recovery of rents that the conditions laid down are satisfied:—

(i) when an officer is holding, as a temporary measure under Rule 49, an appointment to which a Government residence is attached, in addition to his substantive apppointment and does not actually occupy the house,

(ii) when an officer in addition to the duties of such an appointment carries on the duties of another appointment which preclude him from occupying the house,

(iii) when an officer is officiating in an appointment for a period not exceeding one month and does not wish to occupy the house, and

(iv) when an officer is officiating in an appointment for a period not exceeding two months and the circumstances are such as to preclude him from occupying the house.

*Note.*—An officer who is merely discharging the current or routine duties of an appointment to which an official residence is attached is not bound to occupy it and should not be considered as the incumbent of the appointment for purposes of recovery of rent.

## RULINGS.

**Convention regarding reimbursement by the Government of India to State Governments and *vice versa* of the difference between the standard rent of buildings and rent actually recovered from their officers occupying them.**

(1) (*a*) The Government of India and the Governments of Madras, Uttar Pradesh, East Punjab, Madhya Pradesh and Assam have mutually agreed that when an officer of one of these Governments occupies by official arrangement a residence provided by another of these Governments, the latter Government will claim no more than the rent which would be recoverable from the officer if he were serving under its administrative control. In other words, neither Government will be called upon to make good to the other the difference between the standard rent and the rent actually recovered.

(*b*) The Governments of Bombay, West Bengal, Bihar and Orissa having finally expressed their inability to accept a corresponding convention, the position in the case of these Governments as between themselves as well as between them and the Governments mentioned in clause (*a*) above will be that the Government providing the residence will claim from the officer the rent which would be recoverable from him, if he were serving

under its administrative control; and will be paid by the Government under whose administrative control he is serving the difference, if any, between the rent recoverable from him and the standard rent calculated for the residence under Rule 45-B.

(G.I., F.D., letter No. D. 199-A, dated 30th March 1929, and G.I., F.D., Endt. No. F. 3, XXVIII-R, I. 29, dated 18th March 1930.)

(2) The allotment of residences, owned by the Government of India, to officers of the Central Department under the administrative control of State Governments will be regulated by executive orders, the allotment being done as though the State Government's own rules applied.

[Government of India, Department of Industries, B. I., dated 20th March 1936, and P.W. (Buildings and Roads), No. Mis. 926, dated 15th April 1936.]

**Recovery of rent in excess of 10 per cent of emoluments.**

(3) Under clause IV (*c*) (ii) of Rules 45-A and 45-B, a State Government may recover rent in excess of 10 per cent of a Government servant's emoluments, but not in excess of the standard rent as defined in clause III of the rules.

(G.I., F.D., letter No. F. 291-R. I-27, dated 14th February 1928.)

(4) A Government servant who, at his own request, is supplied with a residence owned or leased by the Central Government of a class higher than that for which he is eligible, when a house of his class is available for him, should be charged the full standard rent fixed for the residence and should not be given the benefit of the 10 per cent concession afforded by clause IV (*b*) of Rules 45-A and 45-B.

(G.I., F.D., letter No. F. 3-XI-R. 1/28, dated 23rd March 1928.)

(5) All District Magistrates and Commissioners of a particular State Government having been provided with armed guards for their protection, it was found necessary in some cases to erect quarters for them within the compound of the residences allotted to the officers. As the cost of housing of these guards is to be borne by the State Police Department, the question arose whether the cost of erection of these quarters could not be excluded from the capital cost of the residences for the purpose of calculating of the standard rent to be recovered from the officer concerned. It was held that Rule 45 gives State Government the power to exclude the cost of the quarters under reference from the capital cost of the residences for the purpose of fixing standard rent.

(Comptroller and Auditor-General's letter No. T. 863-Admn. II/247-32, dated 19th July 1932, to A.G., U.P.)

(6) When a Government servant is permitted to occupy Government quarters during leave, rent should be recovered from him at the rate at which he is allowed to pay while on duty.

(G.Os. Ms. No. 3494 W., dated 29th November 1929, and No. 395 W., dated 8th February 1930.)

(7) The term "The local administrative head of the department" occurring in the Note below subsidiary rule 4 under Rule 45 includes heads of offices also.

[Memorandum No. 41308-1, C.S.R. (Fin.), dated 4th December 1941.]

(8) (i) When residential buildings owned, leased or requisitioned by the State Government are allotted to Central Government servants at their own request, full rent of the buildings should be charged from them. If, however, the accommodation is provided at the official request of the appropriate authority, rent should be recovered at 10 per cent of the emoluments of the person concerned.

(ii) The residential accommodation provided to Central Government servants in accordance with the instructions in sub-paragraph (i) above, should conform to the standards of accommodation laid down by the State Government for their own officers. In cases of officers who are allotted accommodation of a higher class at their own request than that to which they are entitled according to the standards, full rent of the building should be recovered from them even though the accommodation may have been procured under official arrangements.

(Finance Memo. No. 7259/C.S.R.-4, dated 6th May 1955.)

NOTE.—The term 'full rent of the buildings' occurring in sub-paragraphs (i) and (ii) will mean the standard rent in the case of buildings owned by the State Government and the actual rent payable *plus* incidental charges in the case of leased and requisitioned buildings.

[Finance Memo. No. 66566 (A)/C.S.R., dated 12th October 1955.]

**45-A.** I. This rule applies, with effect from the 1st April 1924, to members of the services and to Government servants holding the posts included in the schedule to this rule and to Government servants who hold in a substantive capacity posts borne on the cadre of the services included therein.

SCHEDULE.

*A. Services.*

Indian Civil Service.
Indian Police Service.
Indian Agricultural Service.
Indian Educational Service.
Indian Forest Service.
Indian Forest Engineering Service.
Indian Medical Service (Civil).
Indian Service of Engineers.
Indian Veterinary Service.
Indian Audit and Accounts Service.
Superior Service Officers of the Military Accounts Department.
Mint and Assay Departments.
Imperial Customs Service.
Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department.
Geological Survey of India (Director, Superintendents, Assistant Superintendents and Chemist).
Indian Meteorological Service (Director-General of Observatories and Meteorologists).
Department of Mines in India.
Archæological Department.
Zoological Survey of India.
Survey of India, Class I.
Medical Research Department (excluding Indian Medical Service Officers).
Bengal Pilot Service.

*B. Posts.*

1. Indian Posts and Telegraphs Department—
   (i) In the Postal Department—
   Deputy Director-General.
   Postmasters-General.
   Deputy Postmasters-General.
   Assistant Directors-General.
   Presidency Postmasters (including Postmaster, Rangoon).
   (ii) In the Telegraph Traffic Branch—
   Deputy Director-General.
   Assistant Director-General.
   First Division of the Superior Traffic Branch.
2. Commissioners and Assistant Commissioners of Income-tax.
3. Commissioner, Deputy Commissioner and General Managers of the Northern India, Salt Revenue Department.
4. Officers of the Cantonment Department if on the Supernumerary list.

II. For the purpose of the assessment of rent, the capital cost of a residence owned by Government shall include the cost or value of sanitary, water-supply and electric installations and fittings, but exclude the cost or value of the site (including expenditure on its preparation); and shall be either—

(*a*) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction; or, when this is not known,

(*b*) the present value of the residence.

*Note.*—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

*Illustrations.*—The cost of replacing palmyra rafters by Karimarudu or bamboo hurdling by teakwood reepers, or lime plastering by cement plastering should not be added to the capital cost of a building. The cost of deepening a well in order to restore the normal water-supply should not be added to the capital cost of a building. But the cost of replacing country

tiles by Mangalore tiles; or a mud compound wall by a wall of brick in mortar plastered with cement, or a cement floor by tiles should be dealt with in accordance with clauses (*a*) and (*b*) of paragraph 93 of the Madras Public Works Department Code.

Provided that—

(i) a local Government may make rules providing the manner in which the present value of residences shall be determined;

(ii) a local Government may make rules determining what expenditure is to be regarded for the purpose of sub-clause (*a*) above, as expenditure upon the preparation of a site.

*Subsidiary Rule under proviso* (ii), *Rule 45-A-II.*

The expenditure incurred on such works as—

(*a*) raising, levelling and dressing sites,

(*b*) constructing of revetments, retaining walls, and

(*c*) storm water drainage,

shall be regarded as expenditure upon the preparation of a site.

(iii) a local Government may, for reasons which should be recorded, authorize a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation;

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government or (2) in other cases, the estimated amount of such charges;

(v) a local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) when a portion of the residence must be set aside by the officer to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or

(2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings a local Government may by rules determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows :—

(*a*) In the case of leased residences the standard rent shall be the sum paid to the lessor *plus* an addition determined under

rules which a local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure or additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes in the nature of house or property tax payable by Government in respect of the residence.

*Subsidiary Rule under Rule 45-A-III (a).*

*Additions and alterations to leased residences.*—In the event of any addition or alteration to the building being made with the consent of the owner subsequent to the signing of the lease at the request of the occupant and at Government expense, the following rules should govern the recovery of rent:—

(i) If the lessor agrees to take over the work done on the expiry of the lease and to pay to Government the original cost of that work less an allowance for deterioration, which should be fixed before the work is done, the standard rent will be raised so as to cover—

(*a*) such percentage rate as may be prescribed from time to time as the standard of return on productive irrigation works on the capital cost of additional work;

(*b*) the percentage or amount fixed for deterioration;

(*c*) the annual estimated charges for maintenance and repairs of the additional work (if repairs are executed by Government);

or

(ii) if the landlord refuses to accept any liability for the additional work, the standard rent will be raised so as to cover during the period of the lease—

(*a*) the capital sum expended, including interest at such percentage rate as may be prescribed from time to time as the standard of return on productive irrigation works;

(*b*) the annual estimated charges for maintenance and repairs of the additional work.

*Note.*—The standard rent should be fixed when the work is completed.

In case (i) the capital cost will be held to be the total expenditure less half the amount which will be recovered on account of deterioration.

In case (ii), interest will be calculated on half the amount of the outlay.

(*b*) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be either—

(i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council *plus* an addition for municipal and other taxes in the nature of house or property tax payable by Government

in respect of the residence and for both ordinary and special maintenance and repairs, such addition being determined under rules which a local Government may make, or

(ii) six per cent per annum of such capital cost, whichever is less.

NOTE.—*Percentage for the calculation of rent.*—The Secretary of State in Council has prescribed as the rate of interest to be applied in calculating the rent of a house which may be occupied for the first time after the 19th June 1922 the rate * which is in force as the standard of return from productive irrigation works at the time of the acquisition or construction of the house. He has also decided that the basic interest rate on which rents for houses previously occupied have been calculated may remain unaltered unless in any cases they are higher than that now prescribed for houses occupied hereafter.

| * These rates are as follows :— | PER CENT. |
|---|---|
| (*a*) Before 1st April 1919 .. | 4 |
| (*b*) From 1st April 1919 to 31st July 1921. | 5 |
| (*c*) From 1st August 1921 .. | 6 |
| (*d*) From 1st April 1937 .. | 4 |
| (*e*) From 1st April 1941 .. | 5 |
| (*f*) From 1st April 1946 .. | 4 |

For the purpose of assessing rent, the Government of India have decided that the time of construction should be taken as the date on which the accounts of the estimate for the construction of the residence are closed.

(G.I., F.D., letter No. 1061-E.B., dated 4th September 1922.)

*Subsidiary Rule under Rule 45-A-III (b).*

The addition for maintenance and repairs under Rule 45-A-III (*b*) (i) shall be 2 per cent per annum of the capital cost of the building including the capital cost or value of sanitary and water-supply installations and fittings *plus* 3½ per cent per annum of the capital cost or value of the electric installations and fittings; municipal taxes, if payable, shall be added separately.

(*c*) In both cases, standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a local Government may fix a standard rent to cover a period greater than one month but not greater than one year. Where a local Government takes action under this proviso, standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under clause I above bears to one year.

*Note* 1.—For the purpose of sub-clauses (*a*) and (*b*) above, the additions for both the ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

*Note* 2.—A local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine without the rent of the residence being increased.

*Instruction under Rule 45-A-III (c).*

**Rounding of rents.**—*The standard rate of rent of a building should be fixed at the nearest half-rupee or rupee according as the calculated amount is less than Rs. 5 or otherwise. In regard to rents of Rs. 5 and above, fractions of 8 annas and over should be treated as one rupee, those below 8 annas being ignored. With respect to rents below Rs. 5, fraction of 4 annas and above should be taken as half a rupee, those of 12 annas and over being rounded off as one rupee. Rents of Government residences which fall below 4 annas may be ignored.*

IV. When Government supplies an officer with a residence leased or owned by Government, the following conditions shall be observed :—

(*a*) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

(*b*) Unless in any case it be otherwise expressly provided in these rules, he shall pay (i) rent for the residence, such rent being the standard rent as defined in clause III above or 10 per cent of his monthly emoluments, whichever is the less; and (ii) municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.

*Note.*—For the purposes of clauses III and IV (*b*) (ii) of Rule 45-A, the portions of property tax levied on Government buildings by local bodies representing water, drainage, lighting and scavenging taxes shall be treated as being not in the nature of house or property tax.

(*c*) Notwithstanding anything contained in sub-clause (*b*) above, a local Government may—

(i) at any time, after the standard rents have been calculated under the provisions of clause III above, group a number of residences, whether in a particular area or of a particular class or classes, for the purpose of assessment of rent, subject to the following conditions being fulfilled :—

(1) that the basis of assessment is uniform; and

(2) that the amount taken from any officer shall not exceed 10 per cent of his monthly emoluments:

(ii) by general or special order, provide for taking a rent in excess of that prescribed in sub-clause (*b*) above from an officer—

(1) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

(2) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

(3) who is in receipt of a compensatory allowance granted on account of dearness of living, or

(4) who is permitted to sub-let the residence supplied to him, or

(5) who sub-lets without permission the residence supplied to him, or

(6) who does not vacate the residence after the cancellation of allotment.

*Instructions under Rule* 45-A-IV (*c*) (ii) (1) *and* (2).

1. *When a Government servant, who is provided by Government with a residence attached to the post held by him occupies, for his own convenience, an additional residence either at or outside the headquarters or, occupies accommodation at the headquarters in excess of that appropriate to his status, the standard rent as defined in Rule* 45-*A-III* (*b*) *or* 10 *per cent of salary or the concessional rate that may be applicable to him, whichever is least, should be recovered for the residence attached to the post held by him. The full standard rent as defined in Rule* 45 *A-III* (*b*) *should be recovered*

*for the additional residence or the additional accommodation occupied by the Government servant at or outside his headquarters, irrespective of his salary or of the recovery of rent for the residence attached to the post held by him.*

*2 When a building is leased by the State Government for an officer who is not entitled to rent-free quarters, the full rent which the Government will have to pay for the building as well as any other incidental expenditure involved in securing a residence for him should be recovered in all cases from the officer occupying the building.*

**Subsidiary Rule under Rule 45-A-IV.*

In the case of Government servants occupying Government residential buildings, rent shall be recovered from them for the period of their occupation during joining time on transfers at the rates at which they are payable before their transfer.

Rent shall be recovered at the same rates from Government servants on transfer who are allowed to occupy Government residential buildings beyond their joining time because neither the Government servants holding additional charge of the posts nor the incoming regular incumbents of the posts for whom the said buildings are intended are in need of them for the period of such extended occupation, provided that the new posts to which the Government servants are transferred do not carry higher scales of pay. In cases where the new posts to which the Government servants are transferred carry higher scales of pay, their enhanced rates of pay shall be taken into consideration for calculating rent at 10 per cent of their emoluments from the actual dates of their joining the new posts.

Rent shall also be recovered at the rates specified in the first paragraph from Government servants on transfer, proceeding to new stations during their joining time and occupying the Government residential buildings attached to such posts, if vacant, earlier than actually taking over charge of the new posts, for the period of such occupation during joining time.

V. In special circumstances, for reasons which should be recorded, a local Government—

(*a*) may, by general or special order, grant rent-free accommodation to any officer or class of officers, or

(*b*) may, by special order, waive or reduce the amount of rent to be recovered from any officer, or

*(c) may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or property tax, to be recovered from any officer or class of officers.*

*Note* 1.—A sanction accorded under clause V (*a*) of Rule 45-A will not exempt the occupant from liability for payment of rent for water-supply, sanitary and electric installations and fittings which will be charged on the basis of 6 per cent on their capital cost except in the case of the following officers who have been exempted from the payment of such rent:—

(*a*) Government servants drawing a pay of less than Rs. 50 a month.

(*b*) Nursing staff, House Surgeons and House Physicians in hospitals.

*Explanation.*—The term " nursing staff " shall include matrons, ward sisters, staff nurses, pupil nurses, midwives, house-keepers, Government stipended pupil, midwives trained in English or in the languages of the State, woman nursing orderlies and women attendants in mental hospitals when they are provided with rent-free quarters.

(*c*) Superior and subordinate staff in the Government Houses.

(*d*) Jamedars, Head Constables and Constables drawing a pay of Rs. 50 and above.

*Note* 2.—In the case of buildings rented by the Government, rent for water-supply, sanitary and electric installations should be based on the cost of the installations as estimated by the Public Works Department officers.

The orders in sub-paragraph (1) above shall apply also to private buildings taken on rent by Government servants of other departments who are in receipt of house rent allowance in lieu of free quarters.

In the case of Police Officers in Madras City, who occupy buildings rented by the Government and who are in receipt of house rent allowance in lieu of free quarters, rent for water-supply and electric installations shall be recovered at the following rates:—

| | Rent for water-supply installations. | Rent for electric installations. |
|---|---|---|
| | RS. A. P. | RS. A. P. |
| Inspectors and Sergeants-Major .. .. | 1 0 0 p.m. | 1 4 0 p.m. |
| Sub-Inspectors and Sergeants .. .. | 0 8 0 ,, | 0 12 0 ,, |

The above rates shall apply also to buildings taken on rent by Police Officers themselves. In the case of Officers of the Fire Service Department in the City having a status corresponding to that of the Police Officers mentioned above and who are in receipt of house rent allowance in lieu of rent-free quarters, recovery of rent for water-supply, sanitary and electric installations shall be made at the flat rates referred to above, both in the case of private buildings rented by the Government for occupation of the Fire Services personnel as well as buildings rented by the Fire Services personnel themselves.

The above rates apply to Inspectors, Sergeants-Major, Sub-Inspectors and Sergeants in the districts also.

### *Instructions under Rule 45-A-V.*

*Exemptions from payment of rent may be sanctioned, with the previous approval of Government, when a building is rendered uninhabitable by reason of extensive repairs or for any other cause and is so certified by the Executive Engineer. The latter should forward his certificate to the Superintending Engineer who will report to Government whether partial or total remission of rent should be allowed and for what period.*

*In the case of buildings in charge of the Revenue Department in the Agency tracts, the certificate of uninhabitability may be furnished by the Tahsildar or the Deputy Tahsildar concerned. The certificates should be countersigned by the Assistant Agent and forwarded to Government through the Agent to the Governor. The Agent will report to Government whether partial or total remission of rent should be allowed and for what period.*

*When only a portion of a Government residence becomes uninhabitable, the occupant will be allowed the benefit of a remission of rent, only if the standard rent of the building excluding the proportionate rent of the portion rendered uninhabitable falls below 10 per cent of the occupant's emoluments.*

*Inconvenience caused by petty or ordinary annual repairs is insufficient to warrant a remission of rent.*

*The total amount of rent and service taxes recoverable from any Government servant in respect of a Government residential building owned by Government shall not exceed 10 per cent of his emoluments. Government servants entitled to rent-free quarters will be exempted from the payment of service taxes. The concessional rates of rent fixed for certain Government servants under class VII (2) of the Madras Manual of Special Pay and Allowances, Part I, shall be treated as the limits in force for the total of rent and service taxes, i.e., service taxes shall not be recovered from the occupant in addition to the rent at the concessional rate.*

NOTE 1.—*Heads of departments may sanction remission of rent under the above instructions up to a limit of Rs. 100 in each case.*

NOTE 2.—*A Government servant provided with free quarters may continue to occupy them free of rent when he proceeds on leave for a period not exceeding four months provided no substitute is appointed in his place or if a substitute is appointed quarters are available for the substitute without any extra expense to Government. If the leave is extended beyond the four months limit, rent-free occupation of the quarters must cease.*

NOTE 3.—*A permanent incumbent may, during absence on leave or on duty elsewhere, be permitted by the Superintending Engineer to store at his own risk, free of rent, his furniture and other belongings in his residence when both the conditions specified below are fulfilled:—*

*(1) the temporary incumbent does not require the residence and is exempted from the payment of rent for it; and*

*(2) arrangements cannot be made to lease the house during the absence of the permanent incumbent.*

*The concession of storage of furniture and other belongings under this note, free of rent, is subject to the condition that if a claim for vacancy remission of property-tax becomes inadmissible consequent on such storage, an amount equal to the vacancy remission of tax that would otherwise have accrued is recovered from the Government servant concerned.*

NOTE 4.—*The consent of the Finance Department may be presumed to have been given to all sanctions accorded by Government under this instruction.*

VI. If a residence is supplied with services, other than water-supply, sanitary or electric installations and fittings, such as furniture, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay the cost of the water, electric energy, etc., consumed. A local Government may make rules prescribing how the additional rents and charges shall be determined and such rules may also authorize the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

*Note.*—The Government of India have decided that the value of the site should be excluded in calculating the additional rent to be charged for special services under this rule which involve the provision of additional site.

*Subsidiary Rules under Rule 45-A-VI.*

1. If in any case furniture is supplied to a residential building, a rent of 15 per cent per annum should be recovered on its capital cost.

*Exception* 1.—No rent will be charged on the furniture supplied to the following quarters attached to the Government Houses:—

(1) Clerks' and Bandmen's quarters, Madras and Ootacamund.

(2) Quarters of the Manager, Office of the Military Secretary to the Governor, Madras, Guindy and Ootacamund.

(3) The servants' lines (218 servants' godowns), C.I.D. Inspectors' quarters, superior servants' quarters, and the hospital and dispensary attached to the Government House, Ootacamund.

*Exception* 2.—A rent of 7 per cent only will be charged on the furniture supplied already to the following quarters:—

(1) Secretariat clerks' quarters
(2) Non-Secretariat clerks' quarters
(3) Surplus Secretariat quarters
(4) Connemara Cottage, converted into quarters for Under Secretary, Public Department
(5) Press Manager's quarters
(6) Press servants' lines, 12 quarters, occupied by binders, copyholders, etc.
(7) Pressmen block—I to XIV
(8) European Warders' cottage or eight clerks' quarters, occupied by the staff of the Headquarters Hospital

} at Ootacamund.

(9) District Judge's bungalow, Kozhikode.
(10) The Collector's bungalow, Easthill, Kozhikode.
(11) Quarters of the Assistant Superintendent, Lady Willingdon Medical School, Madras.

Rent for additional furniture supplied for the first time to the abovementioned quarters after 1st June 1926 and for new furniture supplied after that date in replacement of the old furniture in the quarters, which have become unserviceable, will be charged under the ordinary rule above, i.e., at 15 per cent.

2. State expenditure on the addition of tennis courts, gardens, ball-room floors, etc., should, as a rule, be limited to the residence of the Governor. The addition of cow-sheds, fowl-houses, etc., to Government residences should be very rare and they should not be provided without the special sanction of Government in each case. When such amenities are supplied, additional rent will be charged on the outlay thereon at 6 per cent of the capital cost independently of the rent of the residence.

3. The charges for current or for excess water consumption should be paid by the tenant unless specifically exempted under the above rule.

*Note.*—A sanction accorded under subsidiary rule 5 under Rule 45 will be held to exempt an officer from the liability for the charges mentioned in Rule 45-A-VI also.

4. In the case of Government buildings providing combined office and residential accommodation, the charges on account of excess water should be borne by Government and the tehants in the proportion of the excess woter actually consumed. Separate meters should be supplied to the residential and non-residential portion for this purpose.

VII. A local Government may by rule prescribe that this rule shall apply, with effect from any date not earlier than the 1st of April 1924, to any Government servant or class of Government servants other than those mentioned in the rule.

*Subsidiary Rule under Rule 45-A-VII.*

Fundamental Rule 45-A and the subsidiary rules thereunder shall, with effect from the 1st April 1924, apply to members of State and Subordinate services and to the holders of special posts.

*Note.*—Members of the work-charged establishment and menials paid from contingencies will be considered as coming with the scope of this subsidiary rule.

VIII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the Secretary of State in Council.

**RULINGS.**

(1) Proviso (i) obviously does no more than supplement clause (*b*) by settling the manner in which the present value is to be determined in cases in which the factors specified in clause (*a*) are not known. Proviso (iii) which, unlike proviso (i), is a true proviso, alters the operation of the substantive part of the rule by empowering the State Government to substitute for the capital cost determined in accordance with clause (*a*) in a case

where the factors specified in that clause are known, a new capital cost represented by the present value calculated in accordance with the rules made under proviso (i) for the primary purpose of determining the present value in cases to which clause (*b*) is applicable.

(G.O. Ms. No. 370, W., dated 12th March 1925.)

(2) For the purpose of this rule, the word "emoluments" does not include pension drawn from sources other than the Consolidated Fund of India.

(G.I. F.D., No. 225-C.S.R.-27, dated 24th June 1927.)

(3) The question was raised whether the value of the site should be exculded in calculating the additional rent payable under Rule 45-A-VI for the special services referred to therein. Clause II of Rule 45-A definitely excludes the cost of site from the calculation of ordinary rent, with the object *inter alia* that there should be no inequality in rents merely on account of site values. Inequalities of the same kind and due to the same cause would, however, arise if the rent charged for special services included the cost of site. Ordinarily, houses of the class affected by the rule in question already have a compound large enough to accommodate the special service. If the house had no special service provided, no rent would be payable for the site and it would not be reasonable to commence to charge rent for site because of the provision of a special service in cases where the site remains the same. It has been decided that the value of the site should be excluded in calculating the rent of special services under Rule 45-A-VI.

### Concession to low-paid Government servants.

(4) The concessional rates of rent prescribed in category (2) under Class VII Allowances in Appendix I of the Manual of Special Pay and Allowances, Volume II, apply to all Government servants on duty whose average pay is less than Rs. 50 per mensem to whom quarters have been assigned by a general or special order. But, when a Government servant is permitted to occupy Government quarters during leave, rent should be recovered from him at the rate at which he is allowed to pay while on duty, *i.e.*, at the concessional rate for those whose average pay is less than Rs. 50 per mensem.

### Continuance of rent-free concession during leave.

(5) It will be for the authority granting the leave to decide in each case whether the concession contemplated in Note 2 to the Instructions under Rule 45-A-V may be granted or not. A subordinate who is granted leave for a period exceeding four months in the first instance is ineligible for the concession.

(Finance Endts. No. 18665-1/C.S.R., dated 18th April 1925, No. 26227-1/C.S.R., dated 28th July 1925 and No. 34237-1, C.S.R., dated 5th October 1925.)

*Note.*—On the analogy of the principle laid down in Note 2 under Fundamental Rule 45-A-V, occupation of Government quarters free of rent or house rent in lieu of free quarters is admissible during the first four months of leave regardless of the nature of the leave taken and irrespective of whether the leave was sanctioned in one spell or different spells provided that no substitute is appointed in the place of the absentee or if a substitute is appointed, quarters are available for the substitute without any extra expense to Government.

(Memorandum No. 104255-C.S.R.-3, Finance, dated 16th January 1951.)

(6) The concession in Note 2 to the Instructions under Rule 45-A-V is not applicable to a Government servant who is absent from the station on tour or who is permitted to spend part of the summer at some hill station. In these circumstances the officer is still responsible for the full rent of the house.

This rule applies to all Government servants whether under the administrative control of the Government of India or the State Government.

(G.I. F.D., letter No. F. 201-C.S.R.-24, dated 16th October 1924, and P.W.D. Memo, No. 5199, Ac. 24-C.P., dated 15th January 1925.)

**Recovery of rent from City police subordinates who are eligible for the concession of free quarters.**

(7) When subordinates of the Madras City Police overstay their leave by short periods and thereby exceed the limit of four months for which alone they are eligible for the concession of free quarters, rent for the period overstayed should be recovered. In the case of Government quarters the full standard rent should be levied whereas in the case of a hired house, rent charged should be the hire paid for the house together with the difference which the Government may have to pay in hiring a house for the substitute at a higher rate. Individual cases in which the application of this rule will cause hardship may be referred to Government for orders.

(G.O. Mis. No. 603, W., dated 7th June 1926.)

(8) Not only individuals but also a class of Government servants can be dealt with under clause V (*b*) of Rules 45-A and 45-B.

(G.O. Ms. No. 733, Finance, dated 5th October 1929.)

**Rent-fee concession to House Surgeons and House Physicians.**

(9) Unpaid House Surgeons and House Physicians employed in Government hospitals also fall under item 52 of the list of Government servants entitled to rent-fee quarters given under Class VII—Housing—in Appendix I of the Madras Manual of Special Pay and Allowances, Volume II, but not Honorary Medical Officers appointed in pursuance of the scheme of re-organization of the Madras Medical Services set out in G.O. No. 3600, Public Health, dated the 23rd December 1937.

(Memo. No. 276-3-D-1, P.H., dated 3rd March 1938.)

(10) Government have ordered that the tap rate fees levied by a Municipality for consumption of water should be borne by the tenants of Government residence under subsidiary rule 3, under Rule 45-A-VI.

(Public Works Department Memo. No. 5200-C-39-2, dated 18th October 1939.)

**Rent-free concession to police subordinates during suspension.**

(11) The concession of rent-free quarters or house rent allowance in lieu of free quarters admissible to police subordinates and the subordinates of the Fire Service Branch will be allowed to them during the period of suspension subsequently treated as duty or leave.

(Memorandum No. 70110-A, C.S.R./2, dated 11th October 1951, as amended by Memorandum No. 40396-C.S.R./1, dated 6th June 1952.)

**45-B.** I. This rule applies to Government servants other than those to whom Rule 45-A applies or is made applicable under the provisions of clause VII of that rule, or than those occupying residences belonging to State Railway, or rented at the cost of railway revenues.

II. For the purposes of sub-clause (*b*) of clause III, the capital cost of a residence owned by Government shall not include the cost or value of such special services and installations (including furniture, tennis courts and sanitary, water-supply or electric installations and fittings) as it may contain; and shall be either—

(*a*) the cost of acquiring or constructing the residence, including the cost of site and its preparation and any capital expenditure incurred after acquisition or construction; or, when this is not known,

(*b*) the present value of the residence including the value of site.

*Note.*—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

Provided that—

(i) a local Government may make rules providing the manner in which the present value of residences, including sites, shall be determined;

(ii) a local Government may make rules determining what expenditure is to be regarded for the purpose of sub-clause (*a*) above as expenditure upon the preparation of a site;

(iii) a local Government may, for reasons which should be recorded, authorize a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation;

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;

(v) a local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) when a portion of the residence must be set aside, by the Government servant to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or

(2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;

(vi) in assessing the cost or value of the sanitary, water-supply and electric installations and fittings, a local Government may, by rules, determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows:—

(*a*) In the case of leased residences, the standard rent shall be the sum paid to the lessor, plus an addition determined under rules, which a local Government may make, for meeting, during

the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes in the nature of house or property tax payable by Government in respect of the residence.

(*b*) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council, plus an addition for municipal and other taxes in the nature of house or property tax payable by Government in respect of the residence and for both ordinary and special maintenance and repairs, such addition being determined under rules which a local Government may make.

(*c*) In both cases, standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a local Government may fix a standard rent to cover a period greater than one month, but not greater than one year. Where a local Government takes action under this proviso, standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under clause I above bears to one year.

*Note* 1.—For the purpose of sub-clauses (*a*) and (*b*) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

*Note* 2.—A local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.

IV. When Government supplies a Government servant with a residence leased or owned by Government, the following conditions shall be observed :—

(*a*) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

(*b*) Unless in any case, it be otherwise expressly provided in these rules, he shall pay (i) rent for the residence, such rent being the standard rent as defined in clause III above or 10 per cent of his monthly emoluments, whichever is the less; and (ii) municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.

(c) Notwithstanding anything contained in sub-clause (b) above, a local Government may—

(i) at any time, after the standard rents have been calculated under the provisions of clause III above, group a number of residences, whether in a particular area, or of particular class or classes for the purpose of assessment of rent, subject to the following conditions being fulfilled :—

(1) that the basis of assessment is uniform; and

(2) that the amount taken from any Government servant shall not exceed 10 per cent of his emoluments;

(ii) by general or special order, provide for taking a rent in excess of 10 per cent of his emoluments from a Government servant—

(1) who is not under its own administrative control, or

(2) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

(3) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

(4) who is in receipt of a compensatory allowance granted on account of dearness of living.

*Instruction under Rule 45-B-IV.*

*When a building is leased by the State Government for an officer, who is not entitled to rent-free quarters, the full rent, which the Government will have to pay for the building as well as any other incidental expenditure involved in securing a residence for him, should be recovered in all cases from the officer occupying the building.*

V. In special circumstances, for reasons which should be recorded, a local Government—

(a) may, by general or special order, grant rent-free accommodation to any Government servant or class of Government servants, or

(b) may, by special order, waive or reduce the amount of rent to be recovered from any Government servant.

VI. If a residence is supplied with one or more of the following or similar services, furniture, installations (including fittings) for water or electricity supply or for sanitary purposes, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay meter hire and the cost of the water, electric energy, etc., consumed. A local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorize the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

VII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India, who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the Secretary of State in Council.

NOTE.—Rule 45-B does not apply to members of State and Subordinate Services and to the holders of special posts who are under the control of the Madras Government.

### RULING.

**Rent payable by private persons for the occupation of residences owned by the Union Government.**

The rent to be charged to private persons should be assessed at the rate prevailing in the locality for similar accommodation used for similar purposes and recovered monthly in advance. But without the sanction of the State Government such rent should not be less than the standard rent calculated under Rule 45-B. None of the rent concessions afforded by this rule to Government servants should be extended to such persons.

(Circular letter No. B. 28/206, dated the 22nd September 1927, from the Consulting Engineer to the Government of India, Department of Industries and Labour, forwarded with G.I., F.D., No. F. 375/C.S.R.-27, dated the 5th October 1927.)

*Note.*—The Government of India have exempted all buildings such as chaukis and guard posts in the Salt Department, the capital cost of which is below Rs. 2,500, from the operation of the orders contained in Industries and Labour Department (P.W. Branch) letter No. B-28, dated 22nd September 1927.

[G.I., F.D. (Central Revenues), No. R. Dis. 31-Salt/28, dated 18th February 1928, and G.I. (Industries and Labour), Public Works Department, letter No. B. 90, dated 23rd April 1929.]

**45-C.** For the purpose of Rules 45-A and 45-B, "emoluments" means—

(i) pay;

(ii) payments from general revenues and fees, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorized remuneration of a post;

(iii) compensatory allowances, other than travelling allowance, whether drawn from general revenues or from a local fund;

(iv) exchange compensation allowance;

(v) pension, other than a pension drawn under the provisions of Chapter XXXVIII, Civil Service Regulations, or compensation received under the Workmen's Compensation Act, 1923, as subsequently amended;

(vi) in the case of a Government servant under suspension and in receipt of a subsistence grant, the amount of the subsistence grant, provided that, if such Government servant is subsequently allowed to draw pay for the period of suspension, the difference between the rent recovered on the basis of the subsistence grant and the rent due on the basis of the emoluments ultimately drawn shall be recovered from him.

It does not include allowances attached to the Victoria Cross, the Military Cross, the King's Police Medal, the Indian Police Medal, the Order of British India or the Indian Order of Merit.

*Note* 1.—The emoluments of a Government servant paid at piece-work rates shall be determined in such manner as the local Government may prescribe.

*Note* 2.—The emoluments of an officer on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

*Note* 3.—The Government of India have held that in cases in which a portion of the pension has been commuted, the term "pension" occurring in the rule means the full sanctioned pension prior to commutation.

## *Subsidiary Rule under Rule 45-C.*

The emoluments of a Government servant paid at piece-work rates will be the total emoluments actually earned by the Government servant during the calendar month.

## RULINGS.

**Remuneration drawn by Veterinary Assistant Surgeons from Municipal Funds for meat inspection work.**

(1) The remuneration up to a maximum of Rs. 15 per mensem permitted to be drawn by the Veterinary Assistant Surgeons from municipal funds for meat inspection work need not be taken into account as a fixed addition to pay with reference to clause (ii) of Rule 45-C, in calculating the rent recoverable from the Assistant Surgeons for the Government quarters occupied by them.

(G.O. Ms. No. 977, Development, dated the 27th May 1941.)

**Recovery of rent from a Government servant under suspension, who is subsequently reinstated.**

In the matter of calculation of emoluments under Rule 45-C for the purposes of recovery of rent, a suspended Government servant who is treated as on leave (either on average pay or on half average pay), subsequently reinstated and whose period of suspension is treated as leave (either on average pay or on half average pay) should not be treated differently from a Government servant who goes on leave in the usual course. Such cases should accordingly be dealt with under Note 2 below Rule 45-C and not under clause (vi) under that rule.

**Interpretation of Rule 45-C (ii) regarding the counting of fees received by a Government servant as "emoluments" for the purpose of Rules 45-A and 45-B.**

(2) Under Rule 45-C, fees received by a Government servant in the shape of a fixed addition to monthly pay and allowances as a part of the authorized remuneration of a post count as "emoluments" for the purpose of Rules 45-A and 45-B. As, under supplementary Rule 12, one-third of any fee in excess of Rs. 50 or if a recurring fee of Rs. 50 a year, is normally required to be credited by the Government servant concerned to general revenues and only two-thirds of such fee is retained by him, a question has arisen whether the entire amount of the fees so received by the Government servant or only the actual amount retained by him after crediting one-third share to the Government should count as "emoluments" for the purpose of assessment of house rent.

As the benefit of the portion of the fees credited to the Consolidated Fund of India by the Government servant does not accrue to him, the Government of India has decided with the concurrence of the Comptroller and Auditor-General of India that under Rule 45-C (ii) only that portion of the fees received by a Government servant which he is allowed to retain under the rules framed under Rules 46, 46-A and 47, will count as "emoluments" for the purpose of Rules 45-A and 45-B.

[Government of India, Ministry of Finance, Office Memorandum No E. 17 (13)-E.G. II/49, dated 12th May 1949.]

The above mentioned orders of the Government of India will also be applicable to Government servants under their rule-making powers.

(G.O. Ms. No. 558, Finance, dated 27th May 1949, read with Memo .No. 37969-Exp. C-1, Finance, dated 21st June 1949.)

46. (a) *Fees.*—Subject to rules made by the Governor-General in Council under Rule 46-A, a local Government may permit a Government servant, if it be satisfied that this can be done without detriment to his official duties or responsibilities, to perform a specified service or series of services for a private person or body or for a public body, including a body administering a local fund or for an Indian State or for another Government and to receive as remuneration therefor, if the service be material, a non-recurring or recurring fee.

*Note.*—This clause does not apply to the acceptance of fees by medical officers in civil employ for professional attendance which is regulated by the orders of the Secretary of State in Council.

(G.O. No. 81, Public, dated 22nd January 1912.)

(b) *Honoraria.*—A local Government may grant or permit a Government servant to receive an honorarium as remuneration for work performed which is occasional in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons which should be recorded in writing exist for a departure from this provision, sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the local Government and its amount has been settled in advance.

(c) *Fees and Honoraria.*—In the case of both fees and honoraria, the sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in Fundamental Rule 11, and shall record also the reasons which in his opinion justify the grant of the extra remuneration.

## RULINGS.

### Grant of honoraria or fees.

(1) The rule requires that the reasons for the grant should be recorded in writing, so that the honorarium or fee should be subject to departmental and audit scrutiny. Audit officers may, therefore, require that the reasons for the grant of an honorarium or fee should be communicated to them in each case.

### Additional remuneration to High Court Judges.

(2)) It is not desirable that judges of the High Court should undertake for remuneration, work in addition to their duties as judges. They should not, therefore, accept fees for examining.

[Memo. No. 26-2, Public (Special), dated 20th February 1935.]

### Additional remuneration to members of the Indian Civil Service.

(3) It is unbecoming for any member of the Indian Civil Service to appear as a paid examiner at school examination in the district in which he is employed.

(G.O. No. 603, Public, dated 19th May 1897.)

### Grant of honoraria for conferences and overtime work.

(4) Temporary increase in work to the staff of an office due to the holding of special conferences under the auspices of a department or subordinate authority or of inter-departmental committees are normal incidents

of Government service and form part of the legitimate duties of the Government servants employed on the work within the meaning of Rule 11. The Government servants so employed have therefore no claim to extra remuneration under Rule 46.

(G.O. No. 669, Finance, dated 17th October 1930.)

**46-A.** The Governor-General in Council may make rules prescribing the conditions and limits subject to which a fee may be received by a medical officer in civil employ for services other than professional attendance.

*Note.*—The Governor-General in Council has issued the following rule :—

*Rule.*—Unless the Governor-General in Council by special order otherwise directs, no portion of any fee received by a medical officer in civil employ for services other than professional attendance shall be credited to general revenues.

**47.** Subject to the provisions of the rules made by the Governor-General in Council under Rule 46-A, a local Government may make rules prescribing the conditions and limits subject to which authorities subordinate to it may sanction the grant or acceptance of honoraria, and the acceptance of fees, other than the acceptance of fees by medical officers in civil employ for professional attendance.

*Subsidiary Rules under Rules* 46 *and* 47.

1. Subject to the conditions prescribed in subsidiary rules 2 to 6, a competent authority (vide subsidiary rule 7 infra) may sanction the grant of an honorarium to, or the acceptance of an honorarium or fee by, a Government servant under its administrative control. In the case of Government examinations, the Director of Public Instruction and the Commissioner for Government Examinations and the Chairman, Madras Public Service Commission, may, within the limits laid down, sanction the grant of an honorarium to any Government servant. No Government servant may accept an honorarium or fee without proper sanction.

2. The amount of an honorarium or fee must be fixed with due regard to the value of the service in return for which it is given.

3. Sanction must not be given to the acceptance of an honorarium or fee, unless the work for which it is offered has been undertaken with the knowledge and sanction of a competent authority, who must certify that its performance will involve no detriment to the official duties of the Government servant performing it. A Government servant, may, however, accept without the sanction of any authority any examinership offered by the Madras Public Service Commission and the remuneration for it, provided that such acceptance will not prejudice his ordinary official duties.

4. No Government servant should be permitted to perform a specified service or series of services for a private person or body or for a public body, including a body administering a local fund, or for an Indian State, and to receive as remuneration therefor a non-recurring or a recurring fee. In exceptional cases, where such service has to be

performed by a Government servant, the permission of the Government should be applied for. Permission will be given by Government very rarely and under very clear circumstances justifying such a course, wherein the rare qualifications of the officer and the public importance of the service demand the utilization of his service. In cases where permission is granted by the Government, no portion of the fees earned by Government servants need be credited to the Government.

*Note* 1.—The above rule is not intended to prevent a Government servant from pursuing a hobby or engaging in a recreational activity unconnected with his official work which takes up a negligible amount of his time; but if as a result of it he is offered any fee or remuneration by a private or public body he shall not accept it without obtaining the previous sanction of the Government.

*Note* 2.—The above rule does not apply to fees received by Government servants from a University or other examining body in return for their services as examiners or for other work done in connexion with the examinations, and to overtime fees. The authorities who are competent to sanction the undertaking of work covered by this note and the extent to which they can sanction acceptance of fees therefor are given in subsidiary rule 7 below.

*Note* 3.—The above rule does not apply to remuneration received by Government servants in the Education Department for writing books.

*Note* 4.—The above rule does not apply to the remuneration received by Government servants of the Anatomy Department of Government Medical Colleges for undertaking the work of embalming dead bodies at the request of private parties.

*Note* 5.—The above rule does not apply to the remuneration received by Government Medical Officers for the examination and issue of certificates to private employees sent by their employers, provided that the examination is done at the Medical Officers' residences or consulting rooms.

*Note* 6.—The above rule does not apply to the fees received by the officers of the Forest Department for examinership in respect of the examination held by the Madras Forest College, Coimbatore, and the Forest Research Institute and College, Dehra Dun, under the Government of India.

5. No Government servant may act as an arbitrator in any case which is likely to come before him in any shape by virtue of any judicial or executive post which he may be holding.

6. A Government servant called upon by a Court of Law to act as a commissioner to give evidence on technical matters may comply with the request, provided that the case is not of such a nature as will be likely to come before him in the course of his official duties, and may accept such fees as are fixed by the Court.

6-A. A member of the teaching staff in the Education Department may be permitted by the competent authority (vide rule 7 below) to receive fees for private tuition.

7. The delegations under the above subsidiary rules are given in the following table:—

| *Nature of power.* (1) | *Authority to which the power is delegated.* (2) | *Extent of power delegated.* (3) |
|---|---|---|
| (1) Power to sanction the grant of honoraria (except in the case of Government examinations). | High Court, Director of Medical Services, Board of Revenue, Chief Engineers to Government, Director of Public Instruction, Commissioner for Government Examinations, Inspector-General of Police, Secretaries to Government, Commissioner of Excise. | Full power subject to a maximum of Rs. 250 in each case provided that budget provision exists and that the amount to be paid is in accordance with the scale, if any, laid down by Government. |
| | Deputy Director of Agriculture (Cinchona), Director of Fisheries, Assistant Director of Fisheries (Coast), Assistant Director of Fisheries (Inland), Superintendent, Pearl and Chank Fisheries, and the Superintendent, Government Press. | Power to sanction honorarium for overtime work to non-gazetted Government servants under them to whom the payment of such honorarium has been authorized in accordance with the scale laid down by Government from time to time. |
| | Director of Industries and Commerce. | To permit the staff of the Madras Trades School to receive an honorarium to be fixed by him for conducting outside examinations at the Madras Trades School, subject to the condition that the total amount does not exceed the balance available according to the *pro forma* account maintained for these examinations. |
| (2) Power to sanction the grant of honoraria in the case of Government examinations. | (1) High Court, Chairman, Madras Public Service Commission, Director of Medical Services, Board of Revenue, Chief Engineers to Government, Director of Public Instruction, Commissioner for Government Examinations, Inspector-General of Police, and Registrar of Co-operative Societies. | (i) Full power when the examinations are self-supporting, i.e., when the fee receipts are sufficient to cover all charges on account of the examination concerned.<br>(ii) When the examinations are not self-supporting, the authorities mentioned in column (2) other than the Director of Public Instruction, the Commissioner for Government Examinations and the Director of Medical Services, can sanction honoraria up to Rs. 250 in each case provided budget provision exists and the amount to be paid is in accordance with the scale, if any, laid down by Government. |

The Director of Public Instruction and the Commissioner for Government Examinations are empowered to sanction honoraria under similar circumstances up to Rs. 1,000 in each case for examinations or tabulation work, i.e., when an examiner does both examination and tabulation work, the maximum honorarium that can be granted without the sanction of Government will be Rs. 2,000. The Director of Medical Services is empowered to sanction honoraria under similar circumstances up to Rs. 500 in each case for any one examiner at the rate of Rs. 100 for each subject.

| *Nature of power.* | *Authority to which the power is delegated.* | *Extent of power delegated.* |
|---|---|---|
| (1) | (2) | (3) |
| (2) Power to sanction the grant of honoraria in the case of Government examinations—*cont.* | (2) Inspectors and Inspectresses of Schools, Heads of Government Colleges, Superintendent, School of Arts, Superintendent, Presidency Training School for Mistresses. | When the undermentioned Government examinations are self-supporting, the officers mentioned in column (2) are authorized to sanction the grant of honoraria to non-gazetted Government servants under their control up to a maximum limit of Rs. 250 in each case provided that budget provision exists and that the amount to be paid is in accordance with the scale, if any, laid down by Government :— |

(1) Secondary School-Leaving Certificate Examination.

(2) Special Test Examinations.

(3) Teachers' Certificate Examinations, including the examinations in Drill and Gymnastics (European and non-European).

(4) Government Technical Examinations.

(5) European School Examinations.

*Note.*—In order to determine if the Government technical examinations are self-supporting for purposes of the above rules, the total fees levied for and the total expenditure incurred on account of all such examinations held in each financial year should be taken into account.

| | | |
|---|---|---|
| | (3) Collectors .. .. | The power exercised by the Board to grant honoraria to officers conducting Village Officers' Special Tests Examinations subject to the conditions laid down in Board's Standing Order No. 157-A. |
| | (4) Director of Public Health. | To sanction honorarium on the scale approved by the Government to Examiners, Superintendents, etc., appointed for the conduct of the Sanitary Inspector's Examination, and the Licentiate in Public Health Examination, subject to the condition that the expenditure is not allowed to exceed the receipt. |
| | (5) Divisional Inspectors of Schools. | To sanction honoraria up to a maximum of Rs. 500 in each case. |
| (3) Power to sanction the undertaking of the work and the acceptance of honoraria therefor (vide subsidiary rules 1 and 3). | Head of a department in the case of members of the All-India State and Specialist Services under his control, and the appointing authority in the case of members of the subordinate services. | Full power. |

*Note.*—The grant of permission to an officer by the competent authority to act as a supervisor or invigilator in connexion with the examinations held by the Union Services Commission (India) at State centres shall be deemed automatically to convey sanction to the acceptance by the said officer of fees at the rates prescribed by the Commission.

| *Nature of power.* (1) | *Authority to which the power is delegated.* (2) | *Extent of power delegated.* (3) |
|---|---|---|
| (4) Power to sanction the undertaking of work and the acceptance of fees in connexion with examinations held by a University or other examining body (vide note 2 to subsidiary rule 4). | High Court, Director of Medical services, Director of Public Health, Board of Revenue, Chief Engineers to Government, Director of Public Instruction, Commissioner for Government Examinations, Inspector-General of Police, Commissioner of Police, Inspector-General of Prisons, Secretaries to Government, Secretary, Madras Legislature. | To the Director of Medical Services, Chief Engineers to Government and Director of Public Instruction, full power subject to a maximum of Rs. 1,500 in each case; to other authorities, full power subject to a maximum of Rs. 500 in each case. |
| | Inspectors and Inspectresses of Schools, Heads of Government Colleges other than the Principal, Agricultural College, Coimbatore, Superintendent, School of Arts, Superintendent, Presidency Training School for Mistresses. | To sanction the acceptance by non-gazetted Government servants under their control of fees in respect of work done in connexion with University examinations up to a maximum of Rs. 500 in each case. |
| | Commissioner of Labour. | Full power subject to a maximum of Rs. 250 in each case. |
| | Director of Agriculture, Director of Animal Husbandry. | To sanction the acceptance by gazetted and non-gazetted Government servants under his control of fees in respect of work done in connexion with examinations conducted by the Government or private bodies up to a maximum of Rs. 500 in respect of non-gazetted staff and Rs. 1,000 in respect of gazetted officers subject to the conditions (1) that if in any case the Director refuses permission it should be reported to the Government; and (2) that the Director is satisfied in all cases that the work will not interfere with the normal work of the Government servant. |
| | Registrar of Co-operative Societies. | To sanction the acceptance by Deputy Registrar of Co-operative Societies working in the University of Madras of fees in respect of work done in connexion with the B.Com. (Hons.) examination up to a maximum of Rs. 1,000 in each case. |

| *Nature of power.* (1) | *Authority to which the power is delegated.* (2) | *Extent of power delegated.* (3) |
|---|---|---|
| (5) Power to sanction overtime fees (vide note 2 to subsidiary rule 4). | Deputy Commissioner of Excise. | Power to sanction overtime fees to non-gazetted Government servants under him to whom the payment of such fees has been authorized in accordance with the scales laid down by the Commissioner of Excise from time to time. |
| (6) Power to sanction the undertaking of private tuitions and acceptance of fees therefor. | District Educational Officers. | Power to sanction the acceptance of fees by members of teaching staff employed in Government schools for boys up to Rs. 100 per term. |
| | Divisional Inspector of Schools. | Power to sanction the acceptance of fees by members of teaching staff employed in Government schools for boys up to Rs. 200 per term. |
| | Inspectresses of Schools. | Power to sanction the acceptance of fees by members of the teaching staff employed in Government schools for girls up to Rs. 100 per term. |
| | Principals of Colleges .. | Power to sanction the acceptance of fees by members of the teaching staff employed in Government colleges up to Rs. 200 per term. |
| (7) Power to sanction the writing of books and acceptance of fees therefor (vide note 3 below subsidiary rule 4). | Director of Public Instruction. | To sanction acceptance of fees up to Rs. 1,500 in each case. |
| (8) Power to sanction the acceptance of remuneration for broadcast talks. | Heads of Departments. | Full power. |

### RULING.

**Remuneration granted for services on purely personal grounds—Whether a recurring honorarium.**

The honorarium paid to an officer selected as an examiner or lecturer on purely personal grounds irrespective of his position under Government, though these grounds may bring about his appointment in successive years or for a term of years, should not be treated as a recurring charge.

**48.** Any Government servant is eligible to receive without special permission—

(*a*) the premium awarded for an essay or plan in public competition;

(*b*) any reward offered for the arrest of a criminal, or for information or special service in connexion with the administration of justice;

(*c*) any reward payable in accordance with the provisions of Act or Regulation or rules framed thereunder;

(*d*) any reward sanctioned for services in connexion with the administration of the customs and excise laws; and

(*e*) any fees payable to a Government servant for duties which he is required to perform in his official capacity under special or local law or by order of Government.

*Note.*—All Police officers, other than gazetted officers, are permitted to accept—

(*a*) special rewards offered by the Government;

(*b*) special rewards offered by private persons, subject to sanction by the Inspector-General of Police as to whether the rewards should go to the individuals concerned or to a police fund, or partly to each;

(*c*) rewards offered by the Customs, Salt and Excise Departments;

(*d*) rewards offered by Indian States;

(*e*) rewards offered by the War Department for the apprehension of deserters; and

(*f*) rewards for the apprehension of absconding prisoners of war.

Sub-Inspectors of Police and Sergeants are permitted to accept money rewards in recognition of the work of special merit. Except as provided above, officers in the Police Department other than head constables and constables shall not receive without the permission of the Government any reward or fee of the kind referred to in clauses (*b*) to (*e*) of the rule but this prohibition shall not apply to rewards granted under section 50 of the Madras City Police Act, 1888.

**48-A.** A Government servant whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, or cause or permit any other person to apply for or obtain, a patent for an invention made by such Government servant save with the permission of local Government and in accordance with such conditions as the local Government may impose.

**48-B.** If a question arises whether a Government servant is a Government servant to whom Rule 48-A applies, the decision of the local Government shall be final.

*Instructions under Rules 48-A and 48-B.*

1. *Application for permission under Rule 48-A of the Fundamental Rules should be made by the Government servant making an invention to the head of his department or, if he is himself the head of the department, to the Government.*

2. *The head of the department should deal with the application confidentially and with expedition so that the inventor may not be prejudiced by delaying in making his application at the Patent Office and should forward it with his recommendations to the Government.*

3. *Permission may be granted by the Government to the applicant without any restriction if the invention has no connexion with the Government servant's official duties and has not resulted from facilities provided at Government expense.*

4. *If the invention is made in the course of the Government servant's official duties or has resulted from facilities provided at Government expense, then—*

(*a*) *if the invention is of such general interest and utility that the public interest will be best served by allowing the public a free use of the invention, the application for taking out a patent should be refused and the invention should be published. An ex-gratia payment should ordinarily be made to the inventor as a reward in all such cases;*

(*b*) *if the invention is not of the kind mentioned in (a) but is of sufficient public utility as is likely to make its commercial exploitation profitable, the inventor should be directed to take out a patent and to assign his rights*

*under the patent to the President of the Republic of India. In all such cases, the inventor should be rewarded either by a suitable lump-sum payment or by a liberal percentage of the profits made by Government in connexion with the invention;*

*(c) in other cases, the inventor should be allowed to take out a patent for his own benefit subject to his undertaking to permit Government the use of the invention either without payment or on such terms as they may consider reasonable.*

*5. When the invention has been assigned to the President of the Republic of India under paragraph 4 (b) above, the Government may exploit the patent themselves, or*

*(a) advertise the patent and grant licences on payment to manufacturers, or*

*(b) sell the rights under the patent to a firm or to a private person.*

*6. In order to secure reasonable uniformity of practice and to secure for Government the full benefits of inventions, the Controller of Patents and Designs should ordinarily be consulted before any awards are made under clauses (a), (b) and (c) of paragraph 4 above or steps are taken for the exploitation of the patents under paragraph 5 above.*

## CHAPTER VI —COMBINATION OF APPOINTMENTS.

**49.** A local Government may appoint one Government servant to hold substantively, as a temporary measure, or to officiate in two or more independent posts at one time. In such cases his pay is regulated as follows :—

(*a*) the highest pay, to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of his tenure of that post;

(*b*) for each other post he draws such reasonable pay in no case exceeding half the presumptive pay (excluding overseas pay) of the posts, as the local Government may fix; and

(*c*) if compensatory or sumptuary allowances are attached to one or more of the posts, he draws such compensatory or sumptuary allowances as the local Government may fix, provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.

### *Instructions under Rule* 49.

*1. The competent authority who appoints a Government servant to hold or officiate in a second post in addition to his own will declare whether he officiates in or holds full charge of the additional post or is appointed merely to discharge the current duties. He should also specify in each case the amount of additional pay and allowances, if any, to be granted, the amount being subject to the following limits:—*

*(a) If the Government servant is appointed to officiate in a second post and to hold in addition full charge of his own post, he may be allowed to draw the pay admissible under clause (a) of Rule 49, and in addition to pay which should not exceed one-fifth of his substantive pay (excluding overseas pay) in respect of the additional post held by him. The pay admissible under clause (a) of Rule 49 may however be specifically reduced by the competent authority at its discretion.*

*If a compensatory allowance is attached to one of the posts, he may be permitted to draw it in full, and if compensatory allowances are attached to more than one of the posts, the allowance which may be granted to him should not exceed the larger allowance.*

*(b) If the Government servant is appointed to hold full charge of one or more posts in addition to his own, the additional pay which may be granted to him should not exceed one-fifth of his substantive pay (excluding overseas pay) in respect of each additional post. The drawal of compensatory allowances will be regulated as in clause (a) above.*

*(c) If the Government servant is appointed to discharge only the current duties of one or more posts in addition to his own, the additional pay which may be granted to him should not exceed one-tenth of his substantive pay (excluding overseas pay) in respect of each additional post in addition to the pay and compensatory allowances, if any, admissible in his regular post.*

*Note 1.—If an officer holds a temporary post or officiates in a post without a lien on a permanent post, the pay in the temporary post or the officiating pay shall be considered to be substantive pay for the purpose of these instructions. This principle will apply also to a permanent employee of a local body, who holds a temporary post or officiates in a post under Government, if he has no lien on a permanent post under Government. When a pensioner is re-employed, his substantive pay prior to retirement shall be considered to be substantive pay for the purpose of these instructions.*

*Note 2.—The additional pay that may be granted to a Government servant under clauses (a) and (b) should in no case exceed half the minimum pay (excluding overseas pay) of the additional post and the additional pay that may be granted under clause (c) should in no case exceed one-fourth of the minimum pay (excluding overseas pay) of the additional post.*

*Note 3.—In the case of an officer under the rule-making control of the State Government who draws overseas pay with a corresponding reduction in basic pay the fraction of the substantive pay allowed by clauses (a), (b) and (c) and the fraction of the presumptive pay mentioned in Note 2 may be calculated on the basic pay which the officer would have drawn if he were not in receipt of overseas pay.*

*2. No additional pay should be granted, unless the previous incumbent of the additional post held has actually given over charge thereof under orders of competent authority and unless the period of additional charge exceeds fourteen working days in the case of full additional charge and one month in the case of discharge of current duties only. The drawal of additional pay should not normally be allowed for a period exceeding three months.*

*3. No additional pay should be granted when a clerk discharges the duties of one or more clerks in the same office, as the posts cannot be held to be independent within the meaning of Rule 49.*

*Note 1.—The posts of Manager and Accountant in District Police Office and Regional Transport Offices will be regarded as independent posts for the purpose of this rule.*

*Note 2.—The posts of Store-keeper and Accountant in the Jail Department will be regarded as independent of the posts of Upper Division Clerks for the purpose of this rule.*

*Note 3.—The posts of Head Clerk and Second Clerk in Revenue Divisional Offices will be regarded as independent posts for the purpose of this rule.*

*Note 4.—The postss of Tahsildar and Assistant Tahsildar will be regarded as independent posts for the purpose of this rule.*

*Note 5.—The posts of the Chief Accountant and the Superintendent in the office of the Inspector-General of Police, Fire Services Branch, Madras, will be regarded as independent posts for the purpose of this rule.*

*Note 6.—The posts of Clerks and Head Accountant in Taluk and Sub-Taluk offices will be regarded as independent posts for the purpose of this rule.*

*Note 7.—The posts of Assistant Superintendents in the Cinchona Department will be regarded as independent posts for the purpose of this rule.*

*4. Additional remuneration should not be allowed as a matter of course or granted when the extra duties to be performed are only nominal or comparatively light. Additional remuneration should not be allowed during any period of vacation, unless the additional duty is actually performed during such period.*

*5. A School Assistant, who is placed in full additional charge of the post of Headmaster or Headmistress in a Government Secondary and Training School and draws additional pay therefor, may be allowed the special pay attached to the latter post.*

### *Delegation under Rule 49.*

1. The head of a department is empowered to appoint a Government servant to hold temporarily, or to officiate in, more than one post, provided that it is authorized to appoint permanently to each of the posts concerned. In the case of other posts under its control, the head of a department may make similar appointments when it is not proposed to grant any additional remuneration.

2. The Chief Engineer to Government is empowered to make appointments involving the grant of remuneration to officers and subordinates for holding charge of more than one post during the leave arrangement of temporary supervisors, provided there is a vacancy in the upper subordinate establishment which has not been filled for the period of additional charge in each case.

3. The Inspector-General of Police is empowered to delegate to the Deputy Inspectors-General of Police the power to appoint Inspectors, Sergeants-Major, Sergeants, Sub-Inspectors and Managers and Accountants of District Police offices to hold temporarily, or to officiate in, more than one post.

4. The Chief Engineer (Electricity) is empowered to sanction additional charge allowance subject to the rates and conditions prescribed in Rule 49, in respect of all subordinates up to and inclusive of the rank of Chief Operation Engineers, for a maximum period of three months. If the period is likely to exceed three months, he should report the case to the Government for orders.

## RULINGS.

(1) In the case of All-India Services, the State Government possess full powers in the matter of combining appointments under Rule 49.

### Interpretation of the term " independent " occurring in the rule.

(2) The term " independent " occurring in Rule 49 should be interpreted as meaning " separate " or " distinct " and not in the original sense of one post being subordinate or inferior to another as understood in Article 162-A of the Civil Service Regulations.

(G.I., F.D., No. F.3-XX-R-I/28, dated 16th June 1928, and G.O. Ms. No. 502, Finance, dated 19th July 1928.)

*Note.*—1. No additional pay is admissible to the Accountant in a District Police Office for holding additional charge of the post of a clerk in that office.

(G.O. Ms. No. 5004, Home, dated 11th December 1940.)

*Note* 2.—The posts of Firka Revenue Inspectors are 'independent' posts for the purpose of Rule 49.

### Additional charge in leave vacancies.

(3) In cases where leave reserve has been provided for in a cadre, the appointment of officers to hold additional charge of the posts of officers going on leave should not generally be made as such arrangements amount to increasing the strength of the cadre and throw extra cost on Government. The leave vacancies should be filled only by the leave reserve officers and exceptions can be allowed only when there are special circumstances justifying the arrangement, e.g., when it would be cheaper to make appointments under Rule 49 than to transfer for this purpose an officer from a distant station.

[G.O. No. 2858, P.H. (L.S.G.), dated 19th December 1933.]

### Pay of an additional post.

(4) As Rule 49 (*b*) requires that such pay as may be considered " reasonable " in the circumstances may be given, half the presumptive pay of the post is not therefore to be regarded as the amount automatically permissible.

### Admissibility of overseas pay in respect of more than one post.

(5) Under this rule, a Government servant is not entitled to overseas pay in respect of both the posts, that is, he cannot get the benefit of the overseas pay, whether in sterling or rupees, of the second post.

(G.I., F.D., letter No. F. 359-C.S.R/27, dated 16th September 1927.)

(6) Presumptive pay for the purposes of Rule 49 (*b*) should, according to Rule 9 (24), be taken to be what the Government servant who is placed in additional charge will draw as initial pay in the time-scale of the additional post under Rule 22, were he formally transferred to it. In cases, however, in which the maximum pay of the lower post is less than the pay of the Government servant in his substantive post, the application of Rule 22 is not clear, and accordingly it has been decided under Rule 8 that in such a case the maximum of the pay of the lower post should be taken as the presumptive pay for the purposes of Rule 49 (*b*).

**Explanation of delegation.**

(7) The expression "each of the posts concerned" occurring in the delegation includes also the post substantively held by the Government servant and not merely the additional post or posts which he is appointed to officiate in, or to hold charge of, temporarily.

(G.O. No. 41, Finance, dated 14th January 1924.)

**Admissibility of the special pay attached to a post or granted for the collateral duties of the post for purpose of determining additional pay.**

(8) In cases where the responsibility or work in consideration of which the special pay is sanctioned is inseparable from the post and the special pay forms part of the permanent emoluments of the post, the special pay cannot count for purposes of additional pay which must be calculated upon the officer's substantive pay only. Other cases where the work or responsibility of a post is increased, by the addition of a second, but not independent post, e.g., the Principal of Medical College holding the additional post of Professor of Midwifery, do not fall within the terms of Rule 49 and the special pay will not enter into the calculation of additional pay; but the holders of such posts may receive the full special pay attached to them whether they hold two independent posts or not.

(G.O. Ms. No. 872, Finance, dated 20th December 1923.)

(9) In cases where a Junior Engineer or Assistant Engineer of the Public Works Department, who is a degree-holder, holds additional charge of a supervisor's post, the minimum pay of a supervisor's post for the purpose of calculating additional pay under Note 2 to Instruction 1 under Rule 49 shall be Rs. 150 per mensem. If, however, he holds only a "Passed Engineer Diploma", the minimum pay of a supervisor's post for this purpose shall be Rs. 140 per mensem.

[Memo. No. 95977, Finance (C.S.R.)-2, dated 3rd January 1953.]
[Memo. No. 40233, Finance (C.S.R.)-2, dated 12th June 1953.]

(10) The penultimate Saturday of a month is not a working day for the purpose of this instruction.

(G.O. Ms. No. 2568 W., dated 12th October 1931.)

(11) No additional pay should be allowed, unless the officer has held additional charge for a period which, excluding holidays and periods of casual leave, if any, exceeds 14 working days.

(Memorandum No. 28163, C.S.R./3, dated 7th May 1951.)

## CHAPTER VII—DEPUTATION OUT OF INDIA.

**50.** No deputation of a Government servant out of India shall be sanctioned without the previous approval of the Central Government.

**51.** (1) When a Government servant is with proper sanction temporarily deputed for duty out of India either in connexion with the post held by him in India or in connexion with any special duty on which he may temporarily be placed, his pay shall be regulated as follows :—

(A) *If* he is deputed for duty in Europe or his deputation elsewhere is declared by the Central Government to be under *quasi*-European conditions and *if* he is sent from India for the purpose of his deputation and does not include any leave within the period of his absence from India, he shall receive, for the first three months of his absence from India, the pay which he would have drawn if he had remained on duty in India, and thereafter three-fourths of such amount.

(B) If he is deputed for duty in Europe or his deputation elsewhere is declared by the Central Government to be under *quasi*-Europeon conditions and if he is not sent from India for the purpose of his deputation or having been so sent, includes a period of leave within the period of his absence from India, he shall receive, throughout his deputation, three-fourths of the pay which he would have drawn if he had remained on duty in India.

(C) *If* he is deputed for duty elsewhere than in Europe and his deputation is not declared by the Central Government to be under *quasi*-European conditions, his pay shall be determined by the Central Government with due regard to the provisions of Rule 40 of these rules as though a temporary post had been created :

Provided that—

(*a*) no Government servant on deputation out of India shall draw pay at a rate exceeding Rs. 5,500 per month;

(*b*) a Government servant having his domicile in India may in any case be allowed by the Central Government to draw during the period of deputation out of India pay not exceeding the full amount of the pay which he would have drawn had he remained on duty in India, in lieu of the pay admissible to him under sub-clause (A) or sub-clause (B) of this clause;

(*c*) a Government servant who is placed on deputation while already on leave out of India on average pay may be allowed the option of continuing to consume such leave and receive in addition to leave-salary and honorarium of one-sixth of the pay which he would have drawn had he remained on duty in India, subject to the condition that the cost of passages from and to India shall be borne by him.

(2) In addition to the pay or honorarium admissible under clause (1) of this rule, a Government servant on deputation may be granted a compensatory allowance of such amount as the Central Government may think fit.

(3) The sterling equivalent of the pay or honorarium admissible under clause (1) of this rule shall be calculated at such rate of exchange as the Central Government may by order prescribe.

*Note* 1 *to Rules* 50 *and* 51.—The Government of India or in cases in which the cost is met from provincial revenues, the local Government may depute a subordinate police officer to any country outside India to accompany or take charge of criminals or lunatics or on any other business which forms part of his duty as a police officer; and may grant to the officer so deputed (*a*) full pay for the entire period of absence from India, with (*b*) actual travelling expenses and a subsistence allowance not exceeding the following scale while in any country outside India:—

| | £. | *s.* | *d.* | |
|---|---|---|---|---|
| To an officer of the Inspector class .. .. .. | 1 | 2 | 6 | a day. |
| Do. Sergeant class .. .. .. | 0 | 15 | 0 | " |
| Do. Constable class .. .. .. | | | | |

A local Government may delegate its powers under this rule to officers of a rank not lower than Deputy Inspectors-General of Police or Commissioners of Police in the Presidency towns and Rangoon—*vide* Resolution of the Government of India, Finance Department, No. 1224-C.S.R., dated 10th November 1922.

*Delegation.*

The powers of the State Government under this note may be exercised by the Inspector-General of Police, Deputy Inspector-General of Police and the Commissioner of Police, Madras, subject to the condition that the allowances of the subordinate police officers deputed, other than pay, are regulated by the Madras Travelling Allowance Rules.

*Note 2 to Rules 50 and 51.*—The Secretary of State in Council has authorized the exercise by the Government of Madras with regard to deputations to Ceylon of the same powers as are exercised by the Governor-General in Council.

*Note 3 to Rules 50 and 51.*—The period of the deputation runs from the date on which the Government servant makes over charge of his office in India to the day immediately before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation or, if he returns by air, to the day on which the aircraft in which he returns arrives at its first regular port in India. If the Government servant is on leave out of India at the time he is placed on deputation, the period of deputation is the time actually occupied by duty.

*Note 4 to Rule 51.*—The Secretary of State in Council has decided that where a rule made by the Secretary of State in Council refers to a rate of exchange which the Secretary of State in Council may by order prescribe, that rate shall, until further orders, be 1*s.* 6*d.*

* *Note 5.*—Rules regulating the grant of compensatory, travelling and halting allowances of officers of the State and Subordinate Services and holders of special posts serving under the Government of Madras when on duty in Europe including the Near East or America:—

*Note* 1.—The pay of the officers concerned who may be deputed to work in Europe or America is governed by Fundamental Rule 51.

*Note* 2.—An officer, who is placed on duty while on leave out of India, may, if he would otherwise have been on leave carrying average pay or full pay, elect to consume such leave during the period of duty and be granted an honorarium equal to one-sixth of his Indian pay for the period in question. The period of deputation converted into leave counts for pension as leave and not as deputation. He will be eligible for travelling allowances in addition under the rules below as if drawing pay under Fundamental Rule 51.

*Note* 3.—The following rules do not apply to cases governed by special rules, e.g., study leave, forest tours, etc.

SECTION I.—CLASSIFICATION OF OFFICERS.

1. For purposes of these rules officers are divided into classes as under:—

(*a*) Travelling expenses in Great Britian and Northern Ireland—

(i) Officers in receipt of Rs. 1,100 per mensem or over... First class.

(ii) all other officers ... ... . ... ... ... Third class.

(*b*) Halting allowances in Great Britain and Northern Ireland and travelling expenses and halting allowances abroad—

| | |
|---|---|
| First class ... | Officers in receipt of pay exceeding Rs. 750 per mensem. |
| Second class ... | Officers in receipt of pay exceeding Rs. 200 but not exceeding Rs. 750. |
| Third class ... | Other officers. |

SECTION II.—COMPENSATORY ALLOWANCE.

2. Subject to the provisions of rules 3 and 4, officers who are *sent to England from India* on deputation may be granted a compensatory allowance at the following rates from the date of landing in England to the date of leaving England for India: First class 16*s.* 8*d.* a day; second class 12*s.* 6*d.* a day; third class 8*s.* 4*d.* a day. Officers deputed from India to places abroad will draw halting allowance under section IV-B for the duration of their deputation in America or Europe, as the case may be.

3. If an officer is permitted to take leave during his deputation, or to delay his embarkation for India at the conclusion of his deputation by taking leave, payment of compensatory allowance will cease luring the period of leave.

* Issued under the Civil Services (Governor's Provinces) Delegation Rules, 1926.

4. If an officer who is eligible for a compensatory allowance under this section is obliged to travel away from his headquarters, he shall be entitled to draw the halting allowance admissible under section IV of the rules, in addition to the compensatory allowance.

5. Officers placed on deputation while on leave in England may be granted a compensatory allowance at the rates prescribed in rule 2 if they can show that they are put to extra expense in the matter of accommodation though being placed on duty. They will draw halting allowance in lieu thereof in respect of necessary journeys on duty away from headquarters.

## SECTION III.—TRAVELLING EXPENSES.

6. Travelling expenses when admissible are granted as follows where actually incurred:—

| | |
|---|---|
| Officers of the first-class ... | First-class railway or steamer fare. |
| Officers of the second-class ... | Second-class fare if available, otherwise third-class fare. |
| Officers of the third-class .. | Third-class fare. |

*Note* 1.—Officers are expected to follow the most economical route and to take advantage of return, cheap day tourist, week end or excursion tickets when available, and when a saving may be effected thereby. When it is known that daily journey between the same two places will be performed on several occasions a season ticket should be taken if more economical than daily return tickets. Railway officers travelling at concession rates may claim the cost of concession tickets only.

Delegates to conferences, etc., should utilize any rail and steamer fare concessions offered by conference authorities.

*Note* 2.—Officers travelling by private motor cars, etc., may be granted mileage allowance at the ates and under the conditions prescribed by the Audit Officer, India Office.

7. In the case of cross-channel passages, second-class officers may travel first-class and third-class officers second-class.

8. Only the cost of return tickets is allowed when such can be taken.

9. An officer unless otherwise instructed is expected to take up his headquarters at his place of work, and will not be refunded the cost of journeys (other than the first and last) between his home or place of residence and his headquarters.

10. Except as provided in rule 10-A, necessary incidental expenses, such as taxi or cab fares, motor hire, etc., may be passed by the Accountant-General, India Office, or the Chief Accounting Officer to the High Commissioner, at their discretion. The extra cost of sleeping berths or seats in Pullman cars will not be allowed elsewhere than in America without the sanction of the High Commissioner.

10-A. Officers entitled to second-class passages who are deputed to the United Kingdom receive in respect of the journey from the port of embarkation of their homes and *vice versa* the following allowance in lieu of refund of incidental expenses under rule 10, namely, 15*s*. for each journey if the officer travels alone and £1 for each journey if he is accompanied by his wife or family.

11. An officer ordered to travel by the overland route to or from India on duty may be granted, in addition to travelling expenses, an inclusive sum of £1 as travelling allowance for the journey between England and the continental port of embarkation for, or disembarkation from, India.

## SECTION IV.—HALTING ALLOWANCE.

12. Officers on deputation from India travelling on duty may, when away from headquarters, draw, in addition to travelling expenses under section III, halting allowance at the rates shown in the following tables A and B. These rates are not intended to meet the whole cost of subsistence when absent from home or headquarters, but only the extra expenses necessarily incurred through such absences.

*A.—United Kingdom.*

| Class of officers. | Rate 1. (First 14 nights). | Rate 2. (After 14 nights). | * Rate 3. (Journey of not less than 4 miles each way involving absence from head-quarters of 10 hours or over). | * Rate 4. (Journey of not less than 4 miles each way involving absence from head-quarters of between 5 and 10 hours). |
|---|---|---|---|---|
| | s. d. | s. d. | s. d. | s. d. |
| First .. .. | 25 0 | 15 0 | 5 0 | 3 6 |
| Second .. .. | 18 9 | 10 0 | 3 6 | 2 6 |
| Third .. .. | 12 6 | 7 6 | 2 9 | 2 0 |

*B.—Places abroad.*

(i) Sterling rates.

| | Class 1. £. s. d. | Class 2. £. s. d. | Class 3. £. s. d |
|---|---|---|---|
| Constantinople †, Egypt | 1 10 0 | 1 2 6 | 0 15 0 |
| Oslo, Copenhagen, Stockholm, Spain, Bulgaria†, Hungary, Rumania†, Yugoslavia†, Greece | 1 5 0 | 0 18 9 | 0 12 6 |
| Denmark (except Copenhagen), Norway (except Oslo), Sweden (except Stockholm), Turkey (except Constantinople), Finland, Portugal | 1 0 0 | 0 15 0 | 0 10 0 |

(ii) Currency rates.

| | Currency. | Class 1. | Class 2. | Class 3. |
|---|---|---|---|---|
| Albania | Lire | 100 | 75 | 50 |
| Austria (Vienna) | Schillings | 43 | 32·25 | 21·50 |
| Belgium (Brussels) | Francs | 220 | 165 | 110 |
| Rest of Belgium | ,, | 175 | 131·25 | 87·50 |
| Bulgaria ‡ | Leva | 670 | 502·50 | 335 |
| Canada | Dollars (Canadian). | 10 | 7·50 | 5 |
| Constantinople ‡ | Turkish Pounds | 10 | 7·50 | 5 |
| Czechoslovakia | Kronen | 200 | 150 | 100 |
| Estonia | Kroons | 18 | 13·50 | 9 |
| France (Paris) | Francs | 175 | 131·25 | 87·50 |
| Rest of France | ,, | 125 | 93·75 | 62·50 |
| Germany (Berlin) | Marks | 30 | 22·50 | 15 |
| Rest of Germany | ,, | 25 | 18·75 | 12·50 |
| Italy (Rome and Milan) | Lire | 125 | 93·75 | 62·50 |
| Rest of Italy | ,, | 100 | 75 | 50 |
| Lithuania | Lits | 48 | 36 | 24 |
| Netherlands (Amsterdam, Rotterdam and the Hague). | Guilders | 15 | 11·25 | 7·50 |
| Rest of Netherlands | ,, | 12 | 9 | 6 |
| Poland | Zlote | 54 | 40·50 | 27 |
| Rumania ‡ | Lei | 813 | 609·75 | 406·50 |
| Switzerland (except Geneva). | Francs | 30 | 22·50 | 15 |
| Geneva | ,, | 35 | 26·25 | 17·50 |
| United States of America. | Dollars | 10 | 7·50 | 5 |
| Yugoslavia ‡ | Dinars | 275 | 206·25 | 137·50 |

* These rates are not admissible in conjunction with rates 1 and 2.
† The currency rates under B (ii) may be drawn if more favourable.
‡ The sterling rates under B (i) may be drawn if more favourable.

13. When sleeping car accommodation is provided at Government expense, two-thirds only of the rates prescribed in rule 12 will be admissible.

14. The rates prescribed in rule 12 for places abroad will not ordinarily be admissible for more than one month in any one place except as provided in rule 2. They may be varied in the case of attendance at Imperial and International conferences, etc.

15. No halting allowance can be drawn for any period during which an officer is entertained at the expense of the State or where subsistence is otherwise provided, e.g., on board ship.

16. When an officer is deputed to attend a conference or congress and its connected tour, he will draw in respect of the tour either the allowances and travelling expenses admissible under the above rules or the all-in-charge, if any, arranged by the conference or congress authorities for the tour, whichever is less.

## SECTION V.—OFFICERS UNDERTAKING WORK AT THEIR OWN REQUEST.

17. In cases where officers on leave undertake work at their own request, a refund of actual and necessary expenses may be granted subject to the sanction of the High Commissioner where such duty involves travelling but no other expenses (e.g., hotel bills) or allowances are admissible unless this is specially recommended by the local Government.

## RULINGS.

(1) In the expression " pay he would draw if he were on duty in India " occurring in Rule 51 (1) and in the similar expression in Rule 9 (2) (*a*), the term ' pay ' should be interpreted literally with reference to Rule 9 (21) and the pay which an officer would have drawn if on duty in India should be determined for this purpose by the appropriate authority in India.

(G.I., F.D., Endorsement No. F. 47 R.I./28, dated 29th May 1928.)

(2) In the case of Government servants who are not deputed out of India for special items of work but are placed on continuous service with commissions and committees whose functions require work both in and out of India, the expression should be interpreted as having reference to the pay which they would have drawn in India had they continued on duty with the commission or committee there.

(G.I., F.D., Endorsement, No. F-4 (II) R.I./30, dated 27th July 1931.)

*Note* 1.—As overseas pay is included in ' pay ' and as an officer would draw overseas pay under Rule 51 (1) (if entitled to it) had he remained on duty in India, it should be taken into account for the purposes of calculation of the deputation pay under the revised Rule 51.

[G.I., F.D., No. F. 90 (10) R.I. 33, dated 10th October 1933.]

*Note* 2.—The Account Officer should intimate to the High Commissioner in each case after consultation with Government, the pay which an officer would have drawn if on duty in India.

(G.I., F.D., letter to the India Office, No. F. 47 R.I., dated 29th May 1928.)

*Note* 3.—Officers serving under the Civil Service Regulations are eligible for the privilege of consuming leave during deputation, should they so desire, and of receiving an honorarium of one-sixth of their pay. In their case, leave on full pay takes the place of leave on average pay.

(G.I., F.D., No. 139-C.S.R./27, dated 28th April 1927, and G.O. Ms. No. 365, Finance, dated 23rd May 1927.)

### Subsistence allowance to officials and non-officials attending International Conferences.

(3) Officials and non-officials appointed to represent the Government of India at an International Conference held at places (outside Asia) where they are residing when nominated as representatives shall be granted, but only

for the days of attendance at the conference in question, subsistence allowance at the rate of £1-1-0 a day in lieu of the usual rate of £1-15-0 a night admissible to representatives at such conferences.

(Financial Secretary, India Office, London, No. F. 4436/30, dated 3rd December 1930.)

**Remuneration of officers belonging to services the control of which is not delegated to State Governments by the Delegation Rules of 1926 attending conferences and congress in England and on the Continent of Europe.**

(4) (i) Officers who are nominated as official representatives of the Government of India or of a State Government are placed on deputation for the period involved and receive the usual travelling allowance and subsistence allowance.

(ii) Officers who are not so nominated are not placed on deputation; but, if it is thought desirable that they should attend as visitors, they may be offered travelling expenses and subsistence allowance as an inducement for them to do so

(Secretary of State's Despatch No. 5, Overseas, dated 20th December 1928, Communicated in G.I., F.D., letter No. F. 4 II, R-1/29, dated 9th February 1929.)

**Honorarium to Government servants placed on deputation while on leave out of India.**

(5) Officers placed on deputation while already on leave out of India on average pay may, if leave on average pay would otherwise be admissible, convert the period of deputation into leave on average pay and claim an honorarium of one-sixth of India, on the condition that in both cases the cost of passages from and to India is borne by the officer. This option is not admissible to an officer deputed from India. Periods of deputation thus converted into leave will count for pension as leave and not as deputation.

(Secretary of State's Despatch No. 40-Finl., dated 20th December 1928, communicated in G.I., F.D., No. F., R.I./29, dated 22nd January 1929.)

(6) The terms of Rule 50 must be interpreted as applying to cases where Government servants exercise the option of consuming leave and drawing an honorarium of one-sixth of pay during a period of duty out of India, i.e., this option can only be exercised by a Government servant whose deputation out of India has been approved by the proper authority.

(G.O. Ms. No. 662, Finance, dated 20th August 1926.)

**Concession of free return passage on termination of deputation.**

(7) When an officer has been deputed to service out of India, any free return passage for which he is eligible will ordinarily lapse if on the termination of his deputation and before his departure he takes any considerable period of leave unless any arrangement to the contrary effect should be specially permitted at the time the deputation closes, or is about to close.

(G.I.,F.D., No. 598-C.S.R., dated 26th April 1923, and G.O. Ms. No. 437, Finance, dated 16th May 1923.)

(8) Deputation out of India under Rule 51 (*a*) for a period not exceeding one year counts as duty for all purposes.

(G.I., F.D., No. F. 45. C.S.R. 25, dated 15th July 1925.)

**Disbursement of pay in England in the case of deputation in Asia.**

(9) In the case of an officer deputed for service in Asia by the Government of India, special orders are required to authorize the officer to draw deputation pay in England as it is a concession which does not come within the purview of any provisions in the Fundamental Rules.

(G.I., F.D., No. D/22-R/35, dated 9th January 1935.)

**51-A.** When a Government servant is with proper sanction deputed for duty out of India to hold a regularly constituted permanent or *quasi*-permanent post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the Central Government.

## CHAPTER VIII.—DISMISSAL, REMOVAL AND SUSPENSION.

**52.** The pay and allowances of a Government servant who is dismissed or removed from service cease from the date of such dismissal or removal.

**53.** A Government servant under suspension is entitled to the following payments :—

(*a*) In the case of a military commissioned officer in civil employment who is not on the supernumerary list, or a departmental commissioned officer who is liable to revert to military duty, to the pay and allowances to which he would have been entitled had he been suspended while in military employment.

(*b*) In the case of any other Government Servant, to subsistence allowance amounting, during the first year of suspension, to one-half of his average pay, and during any subsequent period, to three-eighths of such pay, subject in both cases to a minimum of Rs. 10 per mensem and to the maxima prescribed in Rule 89 (2) for leave salary on half average pay :

Provided that the suspending authority may direct that the Government servant under suspension shall be granted in addition such compensatory allowances as the Provincial Government may sanction by general or special order.

*Explanation.*—In respect of the Government servants who are governed by the provisions of the Madras Leave Rules, the term " Average pay " referred to will mean " pay " as defined in Rule 4 (*d*) of the Madras Leave Rules, 1933.

### RULINGS.

(1) If a Government servant under suspension is dismissed with retrospective effect no recovery is necessary of the subsistence grant already paid to him.

(2) Arrears of subsistence grant due to a Government servant should not be adjusted against any amounts due by him to the Government.

(G.O. Ms. No. 82, Finance, dated 31st March 1939.)

(3) If a Government servant under suspension is dismissed with retrospective effect, arrears of subsistence allowance, if any, due to him up to the date of termination of proceedings should be paid to him.

(G.O. No. 247, Finance, dated 8th March 1951.)

**54.** (1) When a Government servant who has been dismissed, removed or suspended is reinstated, the authority competent to order the reinstatement shall consider and make a specific order—

(*a*) regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty; and

(*b*) whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority mentioned in clause (1) is of opinion that the Government servant has been fully exonerated or, in the case of suspension, that it was wholly unjustified, the Government

servant shall be given the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or suspended, as the case may be.

(3) In other cases, the Government servant shall be given such proportion of such pay and allowances as such competent authority may prescribe :

Provided that the payment of allowances under clause (2) or clause (3) shall be subject to all other conditions under which such allowances are admissible.

(4) In a case falling under clause (2), the period of absence from duty shall be treated as a period spent on duty for all purposes.

(5) In a case falling under clause (3), the period of absence from duty shall not be treated as a period spent on duty, unless such competent authority specifically directs that it shall be so treated for any specified purpose.

*Instructions under Rule 54.*

*1. A Government servant who has been committed to prison either for debt or on a criminal charge should be considered as under suspension from the date of his arrest and therefore entitled only to subsistence grant under Rule 53 until the termination of the proceedings against him, when, if he is not dismissed, an adjustment of his pay and allowances should be made according to the conditions and terms prescribed in Rule 54, the full amount being given only in the event of the Government servant being considered to be acquitted of blame, or (if the imprisonment was for debt) of its being proved that the Government servant's liability arose from circumstances beyond his control.*

*2. The amount of subsistence grant, already drawn, should be adjusted against the pay and allowances or proportion of them or leave salary which may be granted under Rule 54 and the excess, if any, recovered.*

*3. The grant of pay and allowances or a proportion of them under Rule 54 does not cancel any officiating arrangements that may have been in force while the Government servant was under suspension or dismissal.*

*4. In deciding whether any pay and allowances should be granted under Rule 54 to a Government servant in temporary employ, the period for which the temporary post has been sanctioned should be taken into consideration.*

**RULINGS.**

(1) An appellate authority may convert a period spent under suspension into one of leave, if the leave is admissible.

(G.I., F.D., No. F-47/C.S.R./27, dated 11th February 1927).

(2) The word 'proceedings' occurring in instruction 1 under Fundamental Rule 54 has reference only to departmental proceedings and not to the proceedings of a court of law.

(Finance Memorandum No. 29173/C.S.R., dated 8th May 1951.)

(3) The case of a Government servant reduced to a lower grade or post as a measure of punishment and subsequently restored to his former post should be dealt with in accordance with the provisions of Fundamental Rule 54.

(G.O. Ms. No. 1297, Finance, dated 25th July 1955.)

55. Leave may not be granted to a Government servant under suspension.

## CHAPTER IX—COMPULSORY RETIREMENT.

56. (a) *Except as otherwise provided in clauses (b) and (c) of this rule, the date of compulsory retirement of a Government servant, whether ministerial or non-ministerial, is the date on which he attains the age of 55 years. He shall not be retained in service after that age except with the sanction of the Government on public grounds, which must be recorded in writing but he must not be retained after the age of 60 years except in very special circumstances.*

*Note.—This rule does not apply to Government servants who are treated as in superior service for the purpose of these rules but as in last grade service for the purpose of pension. Government servants in superior service coming under this category and all last-grade Government servants shall retire on attaining the age of sixty years.*

(b) The following are special rules applicable to particular services :—

(i) A member of the Indian Civil Service, who is not a judge of a Chief Court, must retire after 35 years service counted from the date of his arrival in India : Provided that, if he has held his post for less than five years, he may, with the sanction of the Governor-General in Council, be permitted to retain it until he has held it for that period.

(ii) A member of the Indian Civil Service, who is a judge of a Chief Court, must retire on attaining the age of 60 years.

(iii) In the case of incumbents of the post mentioned below, other than members of the Indian Civil Service, the age-limit is 60 years :—

Posts specified in Rule 98, Legal Remembrancer and Secretary to the Legislative Council of the Punjab. The Administrator-General and Official Trustee in Madras when appointed by direct recruitment. The Chief Judge of the Court of Small Causes, Madras, when appointed by direct recruitment.

* (iv) (1) Except as otherwise provided in this sub-clause, the following classes of officers must retire on reaching the age of 5 years, namely :—

(a) Civil Engineers of the Public Works or Railway Department, and

(b) Civilians in the Superior Railway Revenue establishment, or the Superior Telegraph Engineering and Wireless branches of the Indian Posts and Telegraphs Department;

and the former class may be required by the Governor-General in Council to retire on reaching the age of 50 years, if they have not attained to the rank of Superintending Engineer.

* This sub-clause was substituted for the original sub-clauses (iv) and in Government of India, Finance Department Notification No. F. 65-R.I./29, dated 3rd July 1930.

(2) Subject to the requirements of this sub-clause as to reappointment, the local Government may, in special circumstances, which should be recorded in writing, grant an extension of service not exceeding three months, to a Chief Engineer.

(3) No Chief Engineer of the Public Works or Railway Department and no officer in the Superior Revenue Establishment of State Railways, corresponding in rank to a Chief Engineer, nor any officer holding the post of Consulting Engineer to the Government of India, shall, without reappointment, hold the post for more than five years, but reappointments to the posts may be made as often and, in each case for such period not exceeding five years, as the local Government may decide, provided that the term of reappointment shall not extend beyond the date on which the Government servant attains the age of 55, or, in the case of a Chief Engineer, more than three months beyond that date.

*Note.*—Officiating service, unless followed by confirmation without interruption in such service, does not count towards the period of five years mentioned in this sub-clause.

(v) The Bishops of Lahore, Rangoon, Lucknow and Nagpur, though borne on the cadre of the Indian Ecclesiastical establishment, are not subject to any rule requiring their retirement at a particular age.

(vi) The following provisions are applicable to military officers in civil employ :—

(1) An officer of the Indian Medical Service must retire from civil employ—

(*a*) on reaching the age prescribed by Royal Warrant for the retirement of an officer of his rank, unless his service is extended by the grant of leave under Rule 86, or an extension in special circumstances is sanctioned by the Secretary of State in Council; or

(*b*) on completing before reaching such age, the tenure of an administrative post, unless he is thereupon reappointed to that post or appointed to another administrative post :

Provided that a Lieutenant-Colonel, who entered the service before the 1st April 1911 and is specially selected for increased pay, may nevertheless be retained in service until he has completed 27 years' service for pension.

(2) Military officers in the Survey of India Department cease to be in civil employ on reaching the age of 55 years unless granted an extension by the Secretary of State in Council.

(3) Military Commissioned Officers serving in the Public Works or Railway Department cease to be in civil employ under the same conditions as govern the retirement of civil engineers of those departments. In addition, an officer of the Royal Engineers must retire on attaining the rank of General Officer; provided that, if he is holding a post of Chief Engineer, he may, with the sanction of the Governor-General in Council, be permitted to complete a five years' tenure of the post, unless in the meantime he is required to vacate office under some other regulation.

(4) Military officers serving in any department other than those mentioned in (1) to (3) of this sub-clause cease to be in civil employ on reaching the age of 55 years unless an extension in special circumstances be sanctioned by the Secretary of State in Council; but any such officer, being a Military Commissioned Officer and having held his post for less than five years, may, for special reason, with the sanction of the Governor-General in Council, be permitted to retain it until he has held it for that period.

*Note* 1.—For the purpose of sub-clauses (i), (vi) (3) and (vi) (4) of clause (*b*) of this rule, officiating tenure of a post shall be included in calculating the period of five years.

*Note* 2.—The grant under Rule 86 of leave extending beyond the date on which a Government servant must compulsorily retire or beyond the date up to which a Government servant has been permitted to remain in service shall be treated as sanctioning extension of service up to the date on which the leave expires.

(*c*) A Government servant under suspension on a charge of misconduct should not be required or permitted to retire on his reaching the date of compulsory retirement, but should be retained in service until the enquiry into the charge is concluded and a final order passed thereon by the competent authority.

*Instruction under Rule* 56 (*c*).

*If a Government servant referred to in clause* (*c*) *is finally exonerated, he shall be considered to have been on extension of service for the period from the date of compulsory retirement to the date of actual retirement. If a Government servant is not finally exonerated, he will be paid such proportion of pay and allowances as the competent authority may prescribe under sub-rules* (3) *and* (5) *of Fundamental Rule* 54.

**RULINGS.**

**Definition of age.**

(1) When a Government servant is required to retire, revert, or cease to be on leave, on attaining a specified age, the day on which he attains that age is reckoned as a non-working day, and the Government servant must retire, revert or cease to be on leave (as the case may be) with effect from and including that day. This rule applies to all Government servants, Civil, Military or Naval.

**Interpretation of Rule 56 (a) and (b) (iii).**

(2) Clauses (*a*) and (*b*) of Rule 56 apply to all Government servants to whom the Fundamental Rules as a whole apply, whether they be holding temporary or permanent posts substantively or in an officiating capacity When a Government servant holding a permanent post substantively is officiating in another post, Rule 56 (*a*) and (*b*) (iii) should be applied according to the character of the post in which he is officiating and not according to the character of the permanent post held substantively by him.

The implication of this Audit Instruction is that a sanction to an extension of service accorded under Rule 56 (*b*) will not be effective if the officer is promoted during the period of extension of service to a post covered by Rule 56 (*a*).

(G.I., F.D., U.O. No. 3022-R-11/33, dated 21st November 1933, and Comptroller and Auditor-General's letter No. 2376-GBE/415-34, dated 13th November 1934.)

(3) In view of the occurrence of the word " ordinarily " in Rule 56 (*b*), a ministerial Government servant can be retired from Government service between the ages of 55 and 60 years on grounds other than those of inefficiency and in such a case he has no claim to be retained in service up to the age of 60 years, nor is he entitled to any compensation for loss of appointment.

The purpose of Rule 56 is not to confer upon Government servants any right to be retained in service up to a particular age, but to prescribe the age beyond which they may not be retained in service.

*Note.*—Attenders employed in the Secretariat and other offices who are treated as superior for purposes of pension should be treated as ministerial servants for purposes of Rule 56

[G.O. No. 1173, Public (Services), dated 30th June 1937.]

### Scope of the rule.

(4) This rule applies whether the officer was recruited direct to the post or promoted to it from a subordinate post.

(G.I., F.D. No. 2053—C.S.R., dated 16th November 1923.)

### High Court Judges.

(5) A High Court Judge, when appointed, is required to agree to resign his appointment on attaining the age of 60 years and he must therefore compulsorily vacate his office in conformity with his own undertaking. Such undertaking should be obtained by Government from persons appointed in India to permanent Judgeships only. In the case of an officiating appointment, no such declaration is necessary; but if it is followed by permanent appointment, the declaration will be taken before confirmation.

[G.O. No. 100-Misc. Pub. (X), dated 2nd February 1927.]

(6) The Government of India is precluded from granting extension of service merely to enable a Judge of the High Court to complete pensionable service.

(Mr. Long's Despatch 21, dated 22nd February 1918, mentioned in G.I., F.D., telegram No. 1588-C.S.R., dated 7th September 1920, addressed to Secretary of State.)

(7) No officiating or additional Judge of a High Court should ordinarily continue in office after attaining the age of 60 years. There is however no necessity for requiring an undertaking from these temporary Judges to retire on attaining that age as the appointing authority can so regulate the periods of such appointments that the persons appointed will not remain in office after attaining the age of 60 years. In the case of an additional Judge, no one above the age of fifty-eight years should ordinarily be appointed if the period of appointment is to be for as long as two years, and in the case of an acting Judge no appointment should ordinarily be made of a person who will have exceeded the age of 60 before the termination of his acting appointment. In special cases, however, the President of the Republic of India will be prepared to grant, in the public interest, a short extension of service not exceeding one year.

### Specialist Services.

(8) The specialist services being organized outside the Indian Service of Engineers, the Government of India have decided that Rule 56 (*b*) (iv) cannot be held to be applicable to the specialist officers of the Public Works Department, and their case is consequently governed by Rule 56 (*a*) under which the services of such an officer may be retained after the age of 55 years for the recorded reason that his services are required on public grounds.

(G.I. Department of Industries and Labour, P.W. Branch, No. E. 34, dated 4th June 1924.)

(9) The period of five years referred to in sub-clause (3) of Rule 56 (*b*) begins to run from the date on which the Government servant becomes entitled to draw the full pay of the post whether holding the post substantively or only in an officiating capacity; provided also that, if officiating, he is confirmed in the post without a break of service.

(10) The period of five years referred to in sub-section (vi) (4) of Rule 56 (*b*) begins from the date on which the Government servant first takes up the office whether substantively or temporarily; provided that, if temporary, he is confirmed without reverting to his substantive post; but the currency of the period is not interrupted by any subsequent temporary promotions to a higher post, i.e., the period of temporary promotion is included in the period of five years.

**Ruling under Rule 56 (c).**

(1) Members of the Navigation Establishment including Lock and Wharf establishments who hold posts the pay of which exceeds Rs. 20 and the Dam Superintendent, Assistant Dam Superintendent and Sluice Superintendent at Periyar are declared to be ministerial servants for purposes of this rule.

(G.O. Ms. No. 14-W, dated 5th January 1934.)

(2) Taluk Head Accountants should be treated as "Non-ministerial" officers for purposes of retirement.

(3) The Registrar, the Master, the Deputy and Assistant Registrars in the High Court are not ministerial servants within the meaning of the Fundamental Rules.

[G.O. Ms. No. 1873, Law (General), dated 9th May 1932.]

(4) When a menial servant reaches the age of 60, the orders of the head of the office in which he is employed should be obtained regarding his continuance in service. Similar orders should be obtained every year till he is retired.

(G.O. Mis. No. 212, Public, dated 23rd February 1929.)

(5) In the case of all officers of the Madras Medical Service who retire before attaining the age of 55 years formal permission to retire should be granted by Government and not by the Director of Medical Services. No such permission is required in the case of officers who retire on attaining the age of 55 years.

((G.O. No. 1601, P.H., dated 28th June 1930.))

**57.** *Cancelled.*

## PART IV.

## CHAPTER X—LEAVE.*

### SECTION I—EXTENT OF APPLICATION.

**58.** Unless in any case it be otherwise distinctly provided in section VI of this chapter, the rules in sections I to V of this chapter apply to all Government servants to whom the Fundamental Rules as a whole apply; provided that it shall be open to any person who is in Government service at the time when the Fundamental Rules come into force to exercise the option of remaining under the leave rules to which he has hitherto been subject. The intention of exercising this option must be specifically declared to the local Government or the Governor-General in Council, as the case may be, within six months of the date on which the Fundamental Rules come into force or, if the Government servant be on leave on that date, within six months of his return from leave. Every Government servant who does not make such a declaration will become subject to the rules in sections I to V of this chapter. The option once exercised is final.

*Note.*—A similar option may be exercised by the Government servants mentioned in Rules 99 and 100.

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*The Madras Leave Rules, 1933, applicable to certain Government servants are embodied in Annexure III.

### RULINGS.

**Officers on leave on 1st January 1922.**

(1) A Government servant on leave on the 1st January 1922, who does not take advantage of the option of cancelling the unexpired portion of his leave and coming under the Fundamental Rules from the 1st January 1922, is to be regarded as coming under the new rules from the date of his return from leave unless he specifically elects to remain under the old rules within six months of his return from leave.

(2) The words "Government servants to whom the Fundamental Rules as a whole apply" used in this rule are intended to mean "Government servants referred to in Fundamental Rule 2."

**Commutation of furlough on average salary into leave on half average pay.**

(3) An officer may not subsequently commute into leave on half average pay any period of furlough on average salary taken prior to 1st January 1922.

(Comptroller and Auditor-General's letter No. 84-A-310/24, dated 4th February 1925.)

(4) The leave salary of menials paid from contingencies whose services have been declared pensionable should be regulated in accordance with the note under Rule 87.

[G.O. No. 520, Law (Genl.), dated 11th February 1932, Finance Memo. No. 8550-C.S.R.-1, dated 8th March 1932.]

**59.** Except as provided in Rules 61 and 62, leave is earned by a Government servant under sections I to V of this chapter, if he holds a lien on a permanent post in civil employ or would hold a lien on such a post had his lien not been suspended.

### RULING.

**Leave to officers whose lien on substantive posts has been suspended.**

A Government servant who has been detached for other duty and whose lien on his substantive post has been suspended under Rules 13 and 14 continues to earn leave under sections I to V of Chapter X of the Fundamental Rules.

The model terms to regulate the grant of leave to officers engaged on contract are set out in Annexure VI.

**60.** Leave is earned by duty only. For the purpose of this rule a period spent in foreign service counts as duty if contribution towards leave salary is paid on account of such period.

### RULING.

The period of joining time under note 2 below Fundamental Rule 107 during which a Government servant on transfer is not entitled to be paid should be treated as *dies non* (off-duty) and will not therefore count for purposes of leave.

(G.O. No. 787, Finance, dated 21st June 1954.)

**61.** A Military Commissioned Officer appointed to a post in civil employ becomes subject to these rules under the following conditions :—

(*a*) (i) An officer subject, before such appointment, to the Indian Army Leave Rules, becomes subject to these rules from the date of his first substantive appointment to a post in civil employ or from the date of completion of three years continuous officiating

duty in such service, whichever is earlier. In reckoning continuous duty—

(1) any period of foreign service, to which transfer was made direct from a civil post, may be included, and

(2) leave does not operate to break continuity unless the officer has to revert to military employ in order to obtain such leave.

*Note.*—This rule also applies to Commissioned Officers transferred from the Army Veterinary Department to the Civil Veterinary Department.

(ii) An officer of the Royal Engineers, if he elects for these rules, becomes subject to them from the date of his entry into permanent civil employ or from the date of completion of five years' Indian service, whichever is later.

(*b*) Transfer from military service to a post in civil employ, the tenure of which is limited to a definite period, does not entitle an officer to leave under these rules unless it is a condition of transfer that he will not return to military employment at the expiry of the tenure of the said or any subsequent post in civil employ.

(*c*) Notwithstanding the provisions of sub-rules (*a*) and (*b*) of this rule, the leave of military commissioned officers who are borne on the Semi-Effective List, section II, category (vi), shall be governed by Rule 100-B.

## RULINGS.

### Military officers holding substantive posts in civil employ.

(1) A military officer appointed substantively under Rule 13 holds a "substantive appointment" in civil employ from the date of such appointment and becomes subject to the Fundamental Rules from that date.

(G.I., F.D. Letter No. 4043-P, dated 30th June 1907.)

(2) The substantive appointment of a person to a service or a branch of a service means substantive appointment to a post borne on the cadre of that service or of that branch of the service, which may not necessarily be the particular post actually held by him at the time.

(Comptroller and Auditor-General's Letter No. 218, Administration, I/206-37, dated 7th April 1938.)

### Military officers in temporary civil employ appointed to tenure posts.

(3) If a military commissioned officer in temporary civil employ is appointed to one of the tenue posts, he is not debarred from coming under the Fundamental Rules by reason of his being substantively appointed to the tenure post and count the period of his service in such post as officiating service for the purposes of Rule 61 (*a*) (i).

(G.I., F·D., Letter No. 31518, dated 11th June 1902.)

**62.** Except as provided in Rule 61, a military officer in civil employ remains subject to military leave rules but his leave while in civil employ is regulated by the provisions of Rule 100.

## RULING.

A Government servant holding a permanent appointment in the Military Department but temporarily employed in the Civil Department continues to remain under the leave rules applicable to his permanent appointment.

(G.I., F.D. Letter No. F/203-C.S.R./27, dated 18th June 1927.)

**63.** When a Military Commissioned Officer subject to these rules is temporarily transferred to military duty, but holds a lien on his post in civil employ or would hold a lien on such a post had his lien not been suspended, the period of his absence counts as duty for leave under these rules.

**64.** Unless in any case it be otherwise expressly provided by or under these rules, a Government servant transferred to a service or post to which these rules apply from a service or post to which they do not apply is not ordinarily entitled to leave under these rules in respect of duty performed before such transfer; but a Government servant reverting from duty as Judge of a High Court, or as one of the officers specified in Rule 98 below, may count such duty for leave as though it were duty performed in a vacation department, all leave taken during the service concerned being treated as taken under these rules.

## RULINGS.

### Grant of leave to acting High Court Judges.

(1) An acting High Court Judge ceases to be a Judge for the purpose of the High Court Judges' Rules with effect from the date of termination of his duty as Judge. He is not, therefore, entitled to leave as Judge, i.e., leave under the High Court Judges' Rules, but is entitled to leave under the rules to which he was subject prior to his appointment as acting Judge. The fact that he has not joined his substantive appointment immediately on reversion from duty as Judge and before proceeding on leave does not affect the question.

(Comptroller and Auditor-General's Letter No. 548-A, 69/26, dated 17th September 1926.)

### Grant of leave to an Additional Judge of the High Court.

(2) An Additional Judge of a High Court should get leave under the High Court Judges (India) Rules, 1922 and not under the Fundamental Rules.

(C.C.A.'s No. 113-A/41-31, dated 14th April 1931.)

(3) A member of the Indian Civil Service, who was a permanent District Judge and who had been acting as an Additional Judge of a High Court from 8th November 1937, applied for leave from 12th August to 25th August 1938. The tenure of his appointment as an Additional Judge extended up to 2nd September 1939. He had also broken periods of service as a High Court Judge in 1934, 1936 and 1937, but he was not a High Court Judge on 1st April 1937. The following points were raised regarding his leave:—

(1) Whether his leave should be regulated under the Fundamental Rules or under the Government of India (High Court Judges) Order, 1937.

(2) If the latter, whether the broken periods of service rendered by him as a High Court Judge count for leave under the order.

The Comptroller and Auditor-General of India gave the following ruling on the above points:—

(1) As the officer was not serving as a Judge on 1st April 1937, he comes under the leave provisions of the Government of India (High Court Judges) Order, 1937. The leave which he took from 12th August 1938 which fell within his tenure of office as a Judge should be regulated under those provisions.

(2) The broken periods count for leave as a High Court Judge under paragraph 2 (2) of the Government of India Order.

(Comptroller and Auditor-General's Letter No. T. 697-A-151/38, dated 12th July 1938.)

**65.** (*a*) If a Government servant, who quits the public service on compensation or invalid pension or gratuity, is re-employed and if his gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

(*b*) A Government servant who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave.

### RULINGS.

**Leave that may be earned by a person re-employed after retirement on a superannuation or retiring pension.**

(1) The re-employment of a person who has retired on a superannuation or retiring pension is generally an exceptional and temporary expedient. In such cases the service of the re-employed pensioner should be regarded as temporary and his leave during the period of re-employment should be regulated by the rules applicable to temporary Government servants.

**Previous service of re-employed pensioners for leave.**

(2) Officers, in receipt of pensions, re-employed cannot count their previous service for leave.

(A.G.'s decision, dated 6th November 1925.)

**Leave to officers whose posts are to be abolished.**

(3) A Government servant, who holds no lien on any other post except that which it is proposed to abolish, may be granted leave up to the amount which was admissible to him immediately before the abolition of his post, but in that case the orders abolishing the post should state explicitly that the post is abolished from the date on which the leave so granted terminates.

(Comptroller and Auditor-General's letter No. 641-A-194/22, dated 13th September 1922.)

**Leave to Government servants whose substantive posts are abolished and who hold temporary or officiating posts.**

(4) In the case of Government servants, who are under the administrative control of the State Government and are thrown out of permanent posts but continue to hold temporary posts or to officiate in other posts without a break, the leave earned by them while holding the permanent posts will not lapse and can be carried forward under subsidiary rule 3 to Rule 103 and Rule 65 (a). They are not, however, eligible for the concessions admissible under Rule 81.

(G.O. No. 372, Finance, dated 17th April 1923.)

(5) Resignation of the public service, even though it is followed immediately by re-employment, should entail forfeiture of past service for the purpose of leave under the Fundamental Rules and should, therefore, constitute an 'interruption of duty.'

## SECTION II—GENERAL CONDITIONS.

**66.** A local Government may make rules specifying the authorities by whom leave, other than special disability leave under Rule 83, may be granted.

*Subsidiary Rule under Rule* 66.

The authorities specified in column (1) of the table below are empowered to grant leave other than special disability leave to the Government servants specified in the corresponding entry in column (2) thereof to the extent specified in the corresponding entry in column (3) of the said table :—

TABLE.

| | Authority empowered to grant leave other than special disability leave. | Government servants to whom leave other than special disability leave may be granted. | Extent of power. |
|---|---|---|---|
| | (1) | (2) | (3) |
| | | *I. Gazetted officers.* | |
| 1 | The Board of Revenue. | (*a*) First Assistant ..<br>(*b*) Inspectors of Excise. | Full power. |
| 2 | The Chairman, Madras Public Service Commission. | Gazetted officers appointed by the Commission. | Do. |
| 3 | The Honourable the Chief Justice. | Gazetted officers appointed by the High Court. | Do. |
| 4 | The Director of Fisheries. | Gazetted officers in the Department of Fisheries. | The leave granted should not exceed one month on average pay and it should be possible to make arrangements for the work of the officer granted leave without a substitute being appointed. A proposal to refuse leave should be forwarded to the Government for orders if such refusal is likely to involve extra expense to the Government by the operation of Rule 86 or otherwise. |
| 5 | The Chief Engineer, General. | (*a*) Junior Superintendents, Public Works Workshops. | Full power. |
| | | (*b*) Assistant Engineers. | The number of Assistant Engineers on leave at a time (excluding those on leave preparatory to retirement) shall be subject to a maximum of 10 per cent of the cadre strength of Assistant Engineers plus 5 per cent of the total number of approved probationers. |
| | | (*c*) Assistant Engineers of the Sanitary Engineering Branch and Additional Mechanical Expert. | The number of Assistant Engineers on leave at a time shall not exceed two. |
| 5-A | The Director of Medical Services. | Manager, Director of Medical Service's office, Senior Assistant to Government Analyst and Senior Public Health Assistant, King Institute, Guindy. | The period of leave should not exceed four months. The grant of leave should not involve the creation of an additional post requiring the sanction of a higher authority. It shall not involve reference to a higher authority for a substitute. |

| Authority empowered to grant leave other than special disability leave. (1) | Government servants to whom leave other than special disability leave may be granted. (2) | Extent of power. (3) |
| --- | --- | --- |
| | *I. Gazetted officers*—cont. | |
| 5-B The Chief Engineer (Electricity). | All officers up to and inclusive of the rank of Divisional Engineers, Construction Accounts Officer, Accounts Officer and Stores Accounts Officer. | If the sanction of leave to an officer involves a promotion whether under the emergency provisions or otherwise of a person not regularly selected for such promotion, or, of a person, whose first appointment on promotion has not been sanctioned by the Government, the case should be reported to the Government for orders. |
| 5-C The Chief Engineer in-charge of State Broadcasting. | Assistant Radio Engineer. | Full power. |
| 6 District Medical Officers, Superintendents of State Hospitals in the Madras City and Visakhapatnam, Civil Surgeons in independent charge of Government Hospitals, Heads of Teaching Institutions, Directors of Institutes (including King Institute, Guindy), Chemical Examiner to Government, Superintendent, Tuberculosis Sanatorium, Tambaram, and Superintendent, Mental Hospital, Madras. | Assistant Surgeons (Men and Women), Classes I and II. | The power to grant leave is subject to the condition that no substitute is required and the leave vacancy can be filled up by making local arrangements or by appointing Honorary Medical Officers without extra cost to Government. |
| 7 The Inspector-General of Police. | Deputy Superintendents of Police including those posted as Assistant Commissioners of Police in the Madras City. | Full power. |
| 7-A The Director of Public Instruction. | Gazetted officers in the Education Department. | Do. |
| 8 All Heads of Departments. | Gazetted officers under their control. | The grant of leave should not involve extra cost. Where such extra cost is involved, application must be made to the Government in the department concerned. The authority competent to grant leave shall not be competent to refuse leave if such refusal is likely by the operation of Rule 86 or otherwise to involve extra expense to the Government, but such authority shall forward to the Government for orders his proposal to refuse leave. |

| Authority empowered to grant leave other than special disability leave. (1) | Government servants to whom leave other than special disability leave may be granted. (2) | Extent of power. (3) |
|---|---|---|
| | *I. Gazetted officers*—cont. | |
| 9 The Dean, Government General Hospital, Madras. | Physicists working in the Barnard Institute of Radiology. | The power to grant leave is subject to the condition that no substitute is appointed and that the leave vacancy can be filled by making local arrangements without extra cost to the Government. |
| 10 (*a*) Foreign employer | Officers in foreign service. | Full power to grant leave on average pay not exceeding four months. |
| (*b*) The authority which sanctioned the transfer to foreign service. | Do. | Full power. |
| | *II. Non-Gazetted officers.* | |
| 1 Competent authority | Non-Gazetted officers. | Full power. |
| 2 Conservators of Forests. | Rangers .. .. | Full power. A Conservator may delegate at his discretion his powers to a District Forest Officer to the extent of enabling him to grant leave not exceeding one month subject to a report to the Conservator in each case. |
| 3 District Forest Officers. | Rangers .. .. | Power restricted to the grant of urgent leave on medical certificate. |
| 4 Inspectresses of Girls' Schools and the Principal, The Lady Willingdon Training College for Women. | Women Secondary grade teachers in the selection grade. | Full power. |
| 5 District Medical Officers, Superintendents of all the State Hospitals in Madras City and of the Tuberculosis Sanatorium, Tambaram and Civil Surgeons. | Staff Nurses and Radiographers. | Do. |
| 6 District Medical Officers, Civil Surgeons in independent charge of Government Hospitals, Superintendents of the State Hospitals in the Madras City and in Visakhapatnam, Superintendent, Government Tuberculosis Sanatorium, Tambaram, Superintendent, Government Mental Hospital, Madras and Medical Superintendent, Government Lady Willingdon Leprosy Sanatorium, Tirumani. | Ward Sisters and Upper Division Clerks on a scale of pay of Rs. 80—110. | The power to grant leave is subject to the condition that no substitute is appointed in the leave vacancy. |

| Authority empowered to grant leave other than special disability leave. (1) | Government servants to whom leave other than special disability leave may be granted. (2) | Extent of power. (3) |
|---|---|---|
| | *II. Non-Gazetted officers*—cont. | |
| 7 Director of Town-Planning. | (*a*) Town-Planning Assistant.<br>(*b*) Head Draughtsman. | Full power. |
| 8 Deputy Registrars of Co-operative Societies. | Inspectors .. .. | The power to grant leave to Senior Inspectors is subject to the condition that no extra cost is involved in the leave arrangement. Full power in other cases. |
| 9 Co-operative Sub-Registrars. | (*a*) Inspectors ..<br>(*b*) Clerks .. .. | The leave granted should not exceeed one month and is subject to the condition that no extra cost is incurred thereby. |
| 10 Superintending Engineers. | (*a*) Supervisors .. | The leave granted should not exceed one month and is subject to the condition that no substitute from outside the circle is appointed. |
| | (*b*) (i) General Foreman, Public Works Workshops, Madras;<br>(ii) Foreman and Superintendents, Vijayavada and Dowlaishwaram Workshops;<br>(iii) Foreman, Public Works Workshops, Madras;<br>(iv) Storekeepers, Public Works Workshops;<br>(v) Mechanical Draughtsmen, Public Works Workshops. | The leave granted should not exceed one month and is subject to the condition that no substitute is appointed. |
| 11 Executive Engineers.. | (*a*) Clerks ..<br>(*b*) Tracers ..<br>(*c*) Draughtsmen ..<br>(*d*) Attenders .. | Full power. |
| 12 Assistant Executive Engineers and Assistant Engineers. | Peons .. .. | The leave granted should not exceed one month at a time or one month in a calendar year. |
| 12-A. Divisional Engineers (Electricity). | Ministerial Establishment. | The grant of leave is subject to the condition that there is no extra cost to Government. |
| 12-B. Divisional Engineers (Highways). | (*a*) Clerks .. ..<br>(*b*) Tracers .. ..<br>(*c*) Draftsman ..<br>(*d*) Attenders .. | Full power. |
| 13 Inspectors of Boilers .. | Peons .. .. | The leave granted should not exceed one month at a time or one month in a calendar year. |
| 14 The High Court .. | Official Receivers .. | The grant of leave is subject to the condition that there is no extra cost to Government. |
| 15 Chief Electrical Inspector to Government. | (*a*) Junior Engineers and Supervisors. | Leave granted should not exceed one month and no substitute should be appointed. |
| | (*b*) Draughtsmen and Tracers. | Full power. |

| Authority empowered to grant leave other than special disability leave. (1) | Government servants to whom leave other than special disability leave may be granted. (2) | Extent of power. (3) |
|---|---|---|
| | *II. Non-Gazetted officers*—cont. | |
| 16 Assistant Industrial Engineers in the Department of Industries and Commerce. | Supervisors and Mechanics. | Power to sanction leave for a period not exceeding one month, provided no extra cost is involved. |
| 17 (*a*) Commissioner of Police, Madras. | Assistant State Prosecutor. | The power to grant leave is subject to the condition that only temporary substitutes are appointed in the consequential vacancy. |
| (*b*) Collector .. .. | Assistant Public Prosecutor. | |
| 18 District Superintendents of Police. | Inspectors of Police .. | Full power. |
| 19 The Dean, Government General Hospital, Madras. | Radiographers (Chief and Assistant to the Chief Radiographer), Technicians, higher grade ministerial staff and Staff Nurses working in the Barnard Institute of Radiology. | The power to grant leave is subject to the condition that no substitute is appointed and that the leave vacancy can be filled by making local arrangements without extra cost to the Government. |
| 20 Gazetted officers in the Animal Husbandry Department. | Subordinates under their control. | The power to grant leave for a period not exceeding one month, provided that no substitute is appointed. |
| 21 Director of Industries and Commerce. | Co-operative Sub-Registrar and Inspectors of Co-operative Societies working under the Director of Industries and Commerce. | The power to grant leave is subject to the condition that no extra cost is involved in the leave arrangement. |
| 22 Assistant Directors of Fisheries. | Inspectors of Co-operative Societies working under them. | Do. |

## RULINGS.

### Grant of leave to medical subordinates in the employ of local bodies.

(1) Presidents of local boards and Chairmen of Municipal Councils have been authorized to grant leave to Civil Assistant Surgeons (Classes I and II) employed under them subject to the condition that substitutes can be found by the Director of Medical Services from the leave reserve provided for in the respective cadres or that other temporary arrangements can be made for the performance of the duties of the absentees without increasing the cadres concerned.

The grant of leave under the delegation sanctioned above should also involve no " extra expense ".

(G.O. No. 683, Finance, dated 31st July 1923.)

(2) Officiating gazetted officers who apply for leave during their officiating period may be granted leave from the date of their reversion to the non-gazetted post by the authorities competent to appoint them to such non-gazetted post.

(G.O. Ms. No. 569, Judicial, dated 16th November 1928; and Finance Memorandum No. 14187-C.S.R.-1, dated 2nd May 1929.)

(3) For calculation of "extra cost or expense" as referred to in column (3) of the Table under the subsidiary rule or in ruling (1) above, expenditure on transit pay and travelling allowance may be disregarded; but charges such as increased remuneration granted to a Government servant under Fundamental Rules 31 and 49 should be taken into account.

(G.O. No. 603, Finance, dated 4th July 1953; and Finance Memorandum No. 72758-C.S.R.-3, dated 30th September 1954.)

**67.** Leave cannot be claimed as of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

*Note.*—The workers in the Government Press, Madras, who came within the purview of Chapter IV-A of the Factories Act, 1934, and who have completed a period of 12 months' continuous service within the meaning of the Explanation to section 49-B of the said Act, shall be allowed leave to the extent provided in section 49-B (1) of that Act.

**RULING.**

**Powers of competent authority to decide nature of leave.**

A Government servant cannot be compelled against his wishes to take leave on half average pay when leave on full average pay is admissible to him. These orders must not be interpreted as interfering with the discretion entrusted to an authority competent to grant leave to determine whether leave should or should not be granted.

(Comptroller and Auditor-General's letter No. 588-A·72/23, dated 26th/30th April 1923, and No. 153-A-70/32, dated 6th July 1932.)

**68.** Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When joining time is allowed to a Government servant returning from leave out of India, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation or; if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India. A local Government may, however, make rules defining the circumstances in, and the conditions on, which Sundays or other recognized holidays may be prefixed to leave or affixed to leave or joining time.

*Subsidiary Rules under Rule* 68.

1. When the day immediately preceding the day on which a Government servant's leave begins or immediately following the day on which his leave or joining time expires is a holiday or one of a series of holidays, the Government servant may leave his station at the close of the day before, or return to it on the day following such holiday or series of holidays provided that—

(*a*) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance;

(*b*) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties; and

(*c*) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

2. On condition that the departing Government servant remains responsible for the moneys in his charge, the head of the department concerned may declare that proviso (*a*) under Rule 1 is not applicable to any particular case.

3. Unless the authority sanctioning the leave or transfer in any case otherwise directs—

(*a*) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the first day after the holidays, and

(*b*) if holidays are affixed to leave or joining time, the leave or joining time is treated as having terminated on, and any consequent re-arrangement of pay and allowances takes effect from the day on which the leave or joining time would have ended if holidays had not been affixed.

*Explanation* 1.—In deciding whether the absence of a Government servant during holidays involves the transfer of a Government servant from another station for the purpose of this rule, account should be taken only of the substitute who takes the place of the absent Government servant, not of all the Government servants in the chain of arrangements arising from one Government servant's absence on leave.

*Explanation* 2.—The term " holiday " used in Rules 1 and 3 above should be held to mean—

(*a*) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881, and

(*b*) with reference to any particular public office, a day on which such office is ordered, by notification of Government in the gazette, to be closed for the transaction of public business without reserve or qualification.

The term does not include a vacation except in the case of District and Sessions Judges and Additional Sessions Judges nor such local holidays as may be granted at the discretion of heads of offices nor holidays which are merely permissible or discretionary.

4. In the case of District and Sessions Judges, and Additional District and Sessions Judges, the term " holidays " includes a vacation subject to the condition that the period of the vacation is treated as leave for purposes of—

(*a*) the maximum amount of leave on average pay admissible at any one time under Rule 81 (*b*) except when leave on average pay does not exceed four months and is not combined with any other leave;

(*b*) the maximum period of absence from duty under Rule 81 (*d*); and

(*c*) the first four months of leave on average pay under Rule 89.

*Note.*—The restrictions in clauses (*a*) to (*e*) apply to all cases where vacation is prefixed to leave, even though the officer may not cease to discharge the duties of the post till after the vacation.

5. The following procedure is prescribed when vacation or gazetted holidays are permitted to be prefixed or affixed to leave:—

(i) When they are prefixed to leave, the Government servant proceeding on leave will report before leaving the station, or if for urgent reason the leave is granted during vacation or gazetted holidays, as soon as it is granted, that he will cease to discharge the duties of his post with effect from the end of the vacation or holidays. The relieving Government servant will then assume the duties of the post at the end of the vacation or holidays in the ordinary course.

(ii) When a vacation or holidays are affixed to leave, the officiating Government servant will be relieved in the ordinary way before the vacation or holidays, and the officer on leave will return at the end of the vacation or holidays but will be regarded as having assumed the duties of the post with effect from the commencement of the vacation or holidays.

(iii) Except in cases covered by (i) and (ii) above, instruction 1 under Rule 17, which requires transfer of charge certificates to be signed by both the relieved and relieving officers on the day on which charge is transferred, should be strictly followed.

## RULINGS.

### Interpretation of Rule 68.

(1) The joining time of a Government servant who returns from leave out of India and disembarks not at the first port of call in India, but at another such port, should be reckoned from the date of arrival of the vessel at the second or subsequent port at which he actually disembarks whether the sea journey from the first port of call in India to the subsequent port of disembarkation is made in the same steamer which takes him to the first port of call or in some other steamer.

(2) The second sentence of Rule 68 will not be applicable in the case of officers returning from leave out of India not exceeding four months. The joining time, wherever admissible, should be regulated under Rule 105 (*b*) (i).

(Comptroller and Auditor-General's letter No. 92-A/34-39, dated 13th February 1939.)

### Treatment of holidays prefixed to vacation and leave.

(3) Holidays preceding vacation which is prefixed to leave should be excluded from calculation for purposes of reckoning—

(*a*) the maximum amount of leave on average pay admissible at any one time; and

(*b*) the period during which the maximum of average pay does not apply.

Holidays intervening between vacation and leave should however be treated as part of the vacation for all purposes. But when holidays intervene between two spells of leave, whether such holidays are in combination with vacation or not, they should be treated as leave. Under Subsidiary Rule 4 under Rule 68, a vacation cannot be interposed between two periods of leave and when a vacation falls between two periods of leave, it should be treated as leave.

(4) Saturdays excepting the penultimate Saturday of a month shall not be treated as gazetted holiday for the staff employed in educational institutions.

[G.O. Ms. No. 1388, Law (Education), dated 3rd August 1933.]

(5) Local holidays like "Vishu", "Onam", etc., notified in the district gazettes only cannot be permitted to be prefixed or affixed to leave as such notification cannot be regarded as "notification by Government in the gazette" contemplated in the explanation 2 to Subsidiary Rule 3 under Rule 68.

(Accountant-General's orders, dated 13th September 1940.)

(6) In the case of District and Sessions Judges, where vacation is combined with leave, any portion of the vacation that is not covered by medical certificate shuld be taken into account in calculating the maximum limit of four months on average pay that may be taken at any one time without medical certificate.

[Public (Special) Department Memorandum No. 13879/35-3, dated 27th June 1935.]

**69.** A Government servant on leave may not take any service or accept any employment without obtaining the previous sanction of—

(*a*) the President, if the proposed service or employment lies elsewhere than in India; and

(*b*) the authority empowered to appoint him, if the proposed service or employment lies in India.

*Note.*—This rule does not apply to casual literary work, or to service as an examiner or similar employment; nor does it apply to acceptance of foreign service, which is governed by Rule 110.

*Subsidiary Rule under Rule* 69.

No Government servant, who, immediately before going on leave preparatory to retirement, held a gazetted post either in a permanent or an officiating capacity should be permitted, except for special reasons, to accept any employment, until such leave expires and he enters on pension.

**RULINGS.**

**Officer appointed on a short-term contract under a State Government—Employment under another Government during leave granted by the first Government on expiry of his agreement.**

(1) On a question raised as to whether the rule in the last sub-paragraph of Article 44 of the Audit Code is applicable to the case of an officer appointed for a short-term, on a contract, who on leaving service under a State Gvernment, on the expiry of his agreement, is granted all the leave certified to be admissible to him, and takes up employment under another State Government during such leave, it has been decided as follows, in consultation with the Government of India:—

If the terms of a temporary officer's contract permit him to take leave, and enjoy leave salary after the termination of his work, with a State Government, he will, while on such leave, be on a footing different from that of a man in ordinary permanent service. What the State Government is bound to give him is, in effect, pay at certain fixed rates for a specified period after he has ceased to serve it. During this period, the State Government has no control over his movements and cannot order him to take complete rest except by making use of Rule 69. If the original employing Government gives permission under Rule 69, the officer may take up employment under another Government during his leave. As each State Government has now full powers to make leave rules for the class of Government servants in question, any restriction of the kind laid down in the last sub-paragraph of Article 44 of the Audit Code is inconsistent with the present constitutional position. The restriction in that article which is based on Finance Department Resolution No. 3205-P., dated 27th June 1910, applies therefore to servants of the Union Government only.

(C.C.A.'s D.O. letter No. 73-A-/131/29, dated 27th February 1930, to the Financial Adviser to the Government of Punjab.)

(2) This rule should not be construed as permitting a Government servant who avails himself of leave on medical certificate, to undertake regular employment during leave.

(Government of India Finance Department, letter No. F. 147-R.I/30 dated the 30th October 1930, and G.O. No. 24, Finance, dated the 8th January 1931.)

(3) An officer of the State Service who is substantively promoted to the corresponding All-India Service becomes or acquires the status of a member of the latter service and as such under Rule 69 (*b*) the sanction of the President of the Republic of India is necessary to his taking up private employment in India, while on leave.

[G.O. No. 383, Public (Services), dated 19th February 1936.]

(4) The Inspector-General of Police or the Commissioner of Police, as the case may be, is competent to permit members of the Madras Police Subordinate Service to accept private employment outside Indian Union, while on leave preparatory to retirement.

(Home Department Memorandum No. 35902-A-2, dated 28th November 1938.)

(5) Although the grant of permission to take up private employment during leave on medical certificate is technically covered by the provisions of Rule 69, such an arrangement is clearly contrary to the spirit of the regulations, as it is not the intention that the leave which can be obtained on the strength of a medical certificate should be allowed to a Government servant the state of whose health enables him to earn a competence by private employment. Rule 69 should not therefore be construed as permitting a Government servant who avails himself of leave on medical certificate to undertake regular employment during such leave.

**Terms to be granted to officers on leave during leave preparatory to retirement.**

(6) When a Government servant, who is on leave under Fundamental Rule 86, is employed in any post under the State Government, he may continue to enjoy his leave concurrently with such employment, but his leave-salary, which may be drawn in addition to pay of the post in which he is employed, will be restricted as follows:—

(i) *In the case of Government servants eligible for pension.*—Leave salary will be restricted to the amount of his pension. (No subsequent readjustment will be made on the basis of actual amount of pension finally sanctioned.)

(ii) *In the case of Government servants not eligible for pension.*—Leave-salary admissible in respect of leave on half-average pay.

No leave will be earned in respect of such period of employment during leave. During such employment he may also be granted dearness and compensatory allowances, if any, admissible on the basis of pay. These allowances will neither be admissible on leave-salary, nor will the leave-salary be taken into account in calculating the allowances.

(7) When a Government servant is permitted, during leave preparatory to retirement before attaining the age of superannuation or during leave under Fundamental Rule 86, to take up employment under the Union Government or a State Government or under a private employer or local body, his leave-salary will also be restricted as in Ruling (6) above.

(G.O. No. 882, Finance, dated 19th July 1952.)

**70.** All orders recalling a Government servant to duty before the expiry of his leave should state whether the return to duty is optional or compulsory. If the return is optional, the Government servant is entitled to no concession. If it is compulsory, he is entitled—

(*a*) If the leave from which he is recalled is out of India—

(i) to receive a free passage to India; and, provided that he has not completed half the period of his leave by the date of leaving for India on recall or three months, whichever period is shorter, to receive a refund of the cost of his passage from India;

(ii) to count the time spent on the voyage to India as duty for purposes of calculating leave; and

(iii) to receive leave-salary during the voyage to India, and for the period from the date of landing in India to the date of joining his post to be paid leave-salary at the same rate at which he would have drawn it had he not been recalled but returned in the ordinary course on the termination of his leave and for the latter period, travelling allowance under rules made in this behalf under Rule 44.

(*b*) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance under rules made in this behalf under Rule 44 for the journey, but to draw until he joins his post leave-salary only.

### RULINGS.

**Recall of Government servants from leave out of India.**

(1) All orders recalling a Government servant from leave out of India should be communicated to him through the High Commissioner for India. The orders should state whether the return to duty is optional or compulsory as required by Rule 70.

(G.O. Ms. No. 210, Finance, dated 13th March 1924.)

**Treating vacation permitted to be combined with leave as part of leave.**

(2) Vacation should be treated as leave for the purpose of Rule 70 (*a*, (i) only to the extent it operates by virtue of Rule 82 (*d*) to reduce the amount of leave on average pay ordinarily admissible. The same principle will apply where the vacation of District and Sessions Judges is treated as recognized holidays, but its combination with leave on average pay is subject to the same conditions as laid down in Rule 82 (*d*).

[Government of India, Finance Department, letter No. F. 7(48)-R.I/40, dated the 12th August 1940.]

**Terms to be granted to officers on leave during leave preparatory to retirement.**

(3) When a Government servant who has proceeded on leave preparatory to retirement is required for employment during such leave in any post under the State Government and he is re-called to duty with his consent, such re-call will be treated as 'optional' for the purpose of Fundamental Rule 70.

(G.O. No. 882, Finance, dated 19th July 1952.)

(4) The expression "on the termination of his leave" in clause (*a*) (iii) of Rule 70 means "on the termination of the period of leave as determined by his recall as opposed to the whole of the leave he was originally granted". The effect of this interpretation will be to make the same leave salary admissible for the period of transit in India as would be admissible had the return to duty been voluntary and the period of voyage been leave proper and the period of transit in India been leave proper or joining time under Rule 105, as the case may be.

**71.** No Government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in such form as the Governor-General in Council, in the case of a Government servant on leave in Asia, or the Secretary of State in Council, in the case of a Government servant on leave elsewhere, may by order prescribe. A local Government may require a similar certificate in the case of any Government servant who has been granted leave for reasons of health, even though such leave was not actually granted on medical certificate.

*Note* 1.—A Government servant who has taken leave on medical certificate out of Asia elsewhere than in Europe, North Africa, America or the

West Indies, may not return to duty until he has produced a medical certificate of fitness from two medical practitioners in the following form:—

" We certify that we have carefully examined C.D. of the ———— department and find that he is in good health and fit to return to his duty in India.

Date——————

Place——————————— "

If the certificate be signed by foreigners, it should be attested by Consular or other authority as bearing the signatures of qualified medical practitioners (vide Government of India, Finance Department, letter No. 197, C.S.R., dated 6th March 1922, recorded in G.O. No. 230, Finance, dated 16th March 1922).

*Note* 2.—A Government servant who has taken leave in Asia on medical certificate may not return to duty until he has produced a medical certificate of fitness in the following form:—

" Signature of applicant—

We the members of a Medical Board
Civil Surgeon of ———————— do hereby
a registered medical practitioner of

certify that $\frac{\text{We}}{\text{I}}$ have carefully examined *A.B.C.* of the department, whose signature is given above, and find that he has recovered from his illness and is now fit to resume duties in Government service. $\frac{\text{We}}{\text{I}}$ also certify that before arriving at this decision, $\frac{\text{We}}{\text{I}}$ have examined the original medical certificates and statements of the case (or certified copies thereof, on which leave was granted or extended, and have taken these into consideration in arriving at $\frac{\text{our}}{\text{my}}$ decision)."

If the Government servant on leave is a gazetted officer who has taken leave on a certificate granted by a Medical Board, the certificate of fitness to return to duty should also be from a Medical Board except:

(1) in case in which the leave is for not more than three months, or

(2) in cases in which the leave is for more than three months or leave for three months or less is extended beyond three months but the Medical Committee granting the original certificate or the certificate for extension state at the time of granting such certificate, that the Government servant need not appear before another Committee for obtaining the certificate of fitness to return to duty.

In the case in items (1) and (2) above, the certificate should be signed by a Commissioned Medical Officer or a Medical Officer in charge of a civil station. If the Government servant on leave is not a gazetted officer, the authority under which the Government servant will be employed on return from leave may, in its discretion, accept a certificate signed by any registored medical practitioner [vide Government of India, Finance Department No. F. 7 (35)-R.I./34, dated 21st May 1935].

*Delegation under Rule* 71.

The authority by whom leave has been granted to a Government servant for reasons of health, though not on a medical certificate, has power to require the submission of a medical certificate of fitness before he returns from leave.

**72.** (1) A Government servant on leave may not return to duty before the expiry of the period of leave granted to him, unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant on leave preparatory to retirement shall be precluded from withdrawing his request for permission to retire and from returning to duty, save with the consent of the authority empowered to appoint him.

*Instructions under Rule 72.*

1. *A Government servant desiring to return to duty within the period of his leave should communicate his desire to the authority which sanctioned the leave sufficiently early to enable suitable arrangements to be made.*

2. *A Government servant returning to duty at a time other than that fixed for him by the authority which granted him leave has no claim to be appointed to any particular post and is liable to be kept on subsistence grant until a suitable vacancy occurs.*

3. *No formal cancellation of the unexpired portion of leave is necessary when a Government servant returns to duty before the expiry of his leave.*

**73.** A Government servant who remains absent after the end of his leave is entitled to no leave-salary for the period of such absence, and that period will be debited against his leave account as though it were leave on half average pay, unless his leave is extended by the local Government. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of Rule 15.

*Delegation under Rule 73.*

The authority by whom leave has been granted to a Government servant who remains absent after the end of his leave is authorized to extend his, leave provided that the grant of leave for the total period of absence is within his powers.

**RULING.**

**Treatment of overstayals of leave in the leave account.**

Overstayals of leave taken by a Government servant before the introduction of the Fundamental Rules on 1st January 1922 should not be debited in his leave account. Such overstayals are governed by Article 231, Civil Service Regulations.

(Comptroller and Auditor-General's letter No. 149-A-86/31, dated 8th June 1931.)

**74.** (*a*) Subject to any instructions which may be given by the Governor-General in Council in connexion with the control of the issue of money from treasuries or by the Auditor-General in India in order to secure efficiency and uniformity of audit, a local Government may make rules prescribing the procedure to be followed in India—

(i) in making application for leave and for permission to return from leave.

(ii) in granting leave,

(iii) in the payment of leave-salary, and

(iv) in the maintenance of records of service.

(*b*) The procedure to be followed elsewhere than in India will be prescribed by the Governor-General in Council.

*Note.*—The subsidiary rules framed under this rule will be found in Annexure II.

SECTION III.—SPECIAL AND ORDINARY LEAVE RULES.

**75.** (1) All Government servants who are not hereinafter declared to be subject to the special leave rules shall be subject to the ordinary leave rules.

(2) The following Government servants shall be subject to the special leave rules, namely :—

(*a*) Any Government servant having at the time of his appointment his domicile elsewhere than in Asia :

Provided that no such Government servant shall be entitled to the benefits of the special leave rules who, prior to such appointment, has, for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments, or other privilege, claimed and been deemed to be of Indian domicile.

(*b*) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, had been admitted to the benefits of European Service Leave Rules under the Civil Service Regulations, or who, between the 1st January 1922 and the 24th July 1923, held a post which would have entitled him to such admission had he been subject to the Civil Service Regulations, and

(*c*) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, held substantively an appointment in a department in which the attainment of a certain rank or a certain rate of pay entitled the officer to admission to the benefits of the European Service Leave Rules under the Civil Service Regulations :

Provided that such a Government servant shall only be entitled to the benefits of the special leave rules when he attains that rank or rate of pay :

Provided further that the concession allowed by clause (*c*) of this rule is not admissible to a Government servant who attains such rank or rate of pay by reason of being promoted by selection from a subordinate service or post after the 24th July 1923.

**75-A.** For the purpose of Rule (2) of Rule 75, the domicile of a person shall be determined in accordance with the provisions set out in the Schedule * to these rules :

Provided that a person who was born and has been educated exclusively in Asia and has not resided out of Asia for a total period exceeding six months shall be deemed to have his domicile in Asia unless, in the case of a person to whom the proviso in sub-rule (2) (*a*) iRules 75 does not apply, it is proved to the satisfaction of the appointing authority that he did not have his domicle in Asia on that date.

[*Note.*—Rules 75 and 75-A shall have effect and shall be deemed to have had effect from 24th July 1923, as though they had been enacted as so amended.]

**75-B.** No Government servant, who, after his appointment to a service or post, acquires a new domicile, shall thereby lose his right to, or become entitled to admission to, the benefits of the special leave rules.

**75-C.** If any question arises as to the domicle of any Government servant at the time of his appointment, the decision thereon of the Secretary of State in Council in the case of persons appointed by

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* Vide pages 246–247 infra.

him, of the Governor-General in Council in the case of persons appointed by him, or of the local Government in the case of persons appointed by them, shall be final.

**RULINGS.**

**Eligibility for the benefit of special leave rules.**

(1) A Government servant who becomes eligible to the special leave rules while he is on leave under the ordinary leave rules may, from the date he becomes so eligible, change the balance of his leave to leave under the special leave rules.

**Interpretation of the expression "at the time of his appointment."**

(2) The expression "at the time of his appointment" occurring in Rule 75 (2) (*a*) means the date of an officer's appointment to a service or post to which the provisions of the Fundamental Rules apply.

**Effect of eligibility to special leave rules while on leave.**

(3) If a Government servant becomes eligible for the special leave rules while he is on leave under the ordinary leave rules, his leave salary certificate should be revised to enable him to change his leave allowances to the amount admissible under the special leave rules subject to the maximum and minimum so eligible and also in order to entitle him to the benefits of the maximum amount of leave prescribed in Rule 81 (*a*) (i).

(Comptroller and Auditor-General's No. 151-A-187/22, dated 14th February 1924.)

**Explanation of the rules.**

(4) The special leave rules in these rules are based on a recognition of the principle that officers serving out of their own country can legitimately be given more generous leave terms than officers serving in their own country. Thus, any Government servant, whether gazetted or not, even though he might have been subject to the Indian Service Leave Rules under the Civil Service Regulations, is entitled under Rule 75 (2) (*a*) to the benefits of the special leave rules, with effect from the 24th July 1923, provided the criterion for the eligibility is fulfilled, *i.e.*, if at the time of his appointment he had his domicile elsewhere than in Asia. This decision also applies to such Government servants as elected to remain under the leave rules in the Civil Service Regulations.

(Comptroller and Auditor-General's No. 1458-A-187/23, dated 16th November 1923.)

## SECTION IV.—GRANT OF LEAVE.

**76.** A leave account shall be maintained for each Government servant in terms of leave on average pay.

*Note.—See* Annexure II, Part I.

**77.** (*a*) In the leave account of a Government servant other than a Military Commissioned Officer, who, on his entry into Government service, becomes subject to these rules, shall be credited—

(i) If he be under the special leave rules, five-twenty-seconds of the period spent on duty; and

(ii) If he be under the ordinary leave rules, two-elevenths of the period spent on duty.

(*b*) In the leave account of a Government servant other than a Military Commissioned Officer who is already in Government service when he becomes subject to these rules shall be credited—

(i) If he be under the special leave rules—

(1) the privilege leave which it would, on the date on which he becomes subject to these rules, be permissible to grant to him under the rules in force prior to that date, *plus*

(2) one-twelfth of the period prior to that date spent on duty or on privilege leave while subject to the Indian Service Leave Rules of the Civil Service Regulations; *plus*

(3) one-eighth of the period prior to that date spent on duty or on privilege leave while subject to the European Service subsequent to that date.

(4) five-twenty-seconds of the period spent on duty subsequent to that date.

(ii) If he be under the ordinary leave rules—

(1) the privilege leave which it would, on the date on which he becomes subject to these rules, be permissible to grant to him under the rules in force prior to that date; *plus*

(2) one-twelfth of the period spent on duty or on privilege leave prior to that date; *plus*

(3) two-elevenths of the period spent on duty subsequent to that date:

Provided that in the case of a Government servant (other than a Government servant who became subject to these rules before the 10th April 1934) who becomes subject to these rules in the calendar year in which he was transferred from military to civil employ, and who before transfer was subject to military leave rules, the credit under this clause shall be reduced by one-eleventh of the duty intervening between the date of his becoming subject to these rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

(*c*) In the leave account of a Military Commissioned Officer who becomes subject to these rules shall be credited—

(1) (i) The privilege leave which, on that date on which he becomes subject to these rules, it would be permissible to grant to him under the rules applicable prior to that date, or

(ii) the leave on average pay which on the date on which he becomes subject to these rules, it would be permissible to grant him under Rule 100, *plus*

(2) one-eighth or one-twelfth in the case of officers commissioned in His Majesty's Indian Land Forces of the period prior to that date spent on duty or on privilege leave during the following period of service :—

(i) Service under the European Service Leave Rules of the Civil Service Regulations;

(ii) Service in India under the Indian Army Leave Rules or the British Army Leave Rules; and

(iii) Service out of India under the Indian Army Leave Rules subsequent to the date of first arrival in India, *plus*

(3) five-twenty-seconds or two-elevenths of the period spent on duty subsequent to that date according as he is subject to the special leave rules or the ordinary leave rules :

Provided that in the case of an officer (other than an officer who became subject to these rules before the 4th of December 1928) who becomes subject to these rules in the calendar year in which he was transferred to civil employ, the credit under this clause shall be reduced by one-eleventh of the duty intervening between the date of his becoming subject to these rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

*Note.*—A Commissioned Officer transferred from the Army Veterinary Department to the Civil Veterinary Department shall be considered, for the purposes of this rule, to have been subject to the Indian Army Leave Rules from the date of his arrival in India on his last tour of service.

(*d*) Any other Government servant transferred permanently from military to civil employ is entitled to a credit to his leave account based on such portion of his military duty as, under the rules for the time being in force, is permitted to count for pension :

Provided that in the case of a Government servant (other than a Government servant who became subject to these rules before the 10th April 1934) who becomes subject to these rules in the calendar year in which he was transferred from military to civil employ, and who before transfer was subject to military leave rules, the credit under this clause shall be reduced by one-eleventh of the duty intervening between the date of his becoming subject to these rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

(*e*) A Government servant who is subject, at the time when these rules come into force, to the Indian Service Leave Rules which were in force in January 1920, is entitled to credit to his leave account, in addition to the periods admissible under clause (*b*) above, one-third of any period of leave on medical certificate taken under the former rules.

## RULINGS.

### Leave Account.

(1) Fractions of a day should not appear in the leave account; fractions below half should be ignored and those of half and more should be reckoned as one day.

*Note.*—In the case of officers subject to the Madras Leave Rules, 1933, fractions of a day should however be rounded as indicated in instruction 6 in the Form of leave account relating to earned leave.

(Finance Memorandum No. 2092-2-C.S.R., dated 2nd February 1939.)

**Calculation of 5/22nd and 2/11th of periods of duty.**

(2) Five-twenty-seconds of the period spent on duty should be calculated thus:—

The amount of duty in terms of years, months and days be multiplied by 5 and the product divided by 22. In this process of multiplication and division a month should be reckoned as equal to 30 days. 2/11th of the period spent on leave should also be calculated similarly.

To facilitate the calculation of 5/22nd and 2/11th of a period, a table is printed as Annexure V.

**Treatment of subsidiary leave.**

(3) The expression "period spent on duty" in clause (*b*) (i) (2) and (*b*) (ii) (2) of the above rule includes also periods of subsidiary leave taken under the rules in force prior to 29th July 1920.

**Preparation of leave accounts of Government servants whose leave is earned partly under Indian and partly under European Service Rules or ordinary and special rules.**

(4) In calculating the leave admissible to a Government servant subject to the ordinary leave rules for a part of his service and to the special leave rules for the remainder of his service, the periods spent on duty under each of those rules should be taken separately and the calculation of the leave admissible in respect of each of these periods should be made separately and added together. According to this interpretation of the rule, the amount of leave to be credited to the leave account of a Government servant who was originally under the Indian Service Leave Rules and then came under the European Service Leave Rules will, under Rule 77 (*b*), be—

(1) the privilege leave which would, on the date on which he becomes subject to the Fundamental Rules, be permissible to grant to him under the rules in force prior to that date, *plus*

(2) one-twelfth of the period spent on duty or on privilege leave during the periods he was under the Indian Service Leave Rules, *plus*

(3) one-eighth of the period spent on duty or on privilege leave during the periods he was subject to the European Service Leave Rules, *plus*

(4) five-twenty-seconds of the periods spent on duty subsequent to the date of his coming under the Fundamental Rules.

The concession in Rules 77 (*e*) should also be allowed subject to the proviso that the total leave so credited under Rule 77 (*b*) (ii) should not exceed what would have been admissible, had the Government servant been under the European Service Leave Rules from the beginning of his service.

When an officer, who was under the ordinary leave rules on the 1st January 1922, subsequently comes under the Special Leave Rules, the amount of leave at his credit on the date of his coming under the Special Leave Rules will be separately calculated and shown as the initial entry in his leave account subject to the Special Leave Rules.

**Officiating service rendered prior to the introduction of the Fundamental Rules.**

(5) In the case of a Government servant who, after a period of officiating or temporarry service, was, without interruption of such service, appointed substantively to a permanent post, all such uninterrupted temporary or officiating service rendered before the introduction of the Fundamental Rules including any privilege leave taken during such service may be taken into account in calculating the amount of leave to be credited to the Government servant's leave account. Leave taken under Rule 1 in Article 336 or Rule 2 in Article 339 of the Civil Service Regulations should not be regarded as constituting an interruption of service for this purpose.

(Comptroller and Auditor-General's letter No. 777-A/205-22, dated 20th November 1922.)

**Calculation of the amount of leave to be credited to the leave account of a Government servant in Military employ, previously subject to the Civil Service Regulations, on his permanent transfer from Military to Civil employ.**

(6) The leave of a Government servant, who has hitherto been in the employ of the Military Department and subject to the Civil Service Regulations, should, on his permanent transfer to the Civil Department, be

regulated under Rule 77 (*b*) and not under Rule 77 (*d*). Any temporary service rendered by such a Government servant under the Civil Service Regulations counts for leave under Supplementary Rule 286.

**Treatment of the "full pay leave" for 60 days admissible annually to Civil Assistant Surgeons, Class II, of the Indian Medical Department for the purposes of the Fundamental Rules.**

(7) The full pay leave admissible annually to the Civil Assistant Surgeons, Class II, if the Indian Medical Department under paragraph 79 (ii) of the Regulations for the Medical Services of the Army in India shall, on their appointment substantively to permanent posts in Civil employ, be treated as privilege leave for the purposes of the Fundamental Rules.

(G.I., F.D., letter No. F. 7-31-R-I/33, dated the 10th May 1933.)

(8) Temporary service in the Indian Medical Service will not count for the purpose of leave under this rule.

(G.I., F.D., No. 12-V-R-I/29, dated the 24th January 1930.)

**Leave account of Military Commissioned Officers in permanent Civil employ, who revert permanently to the Military Department and are again transferred permanently to the Civil Department.**

(9) The net amount of leave in the officer's leave account under the Fundamental Rules on the date of his reversion to the Military Department should be credited to his leave account when he again becomes subject to those rules and his leave account should be drawn up in the following manner:—

(1) net amount of leave under Fundamental Rules at credit on the date of reversion to the Military Department, *plus*

(2) the leave on average pay under Rule 100 at credit on the date on which he again becomes subject to the Fundamental Rules, *plus*

(3) one-eighth of the period spent on duty and on privilege leave from the date of reversion to the Military Department to the date on which he again becomes subject to these rules, *plus*

(4) five-twenty-seconds or two-elevenths of the period spent on duty subsequent to that date, according as he is subject to the special or the ordinary leave rules.

(10) Officers who join the Indian Army from a British Unit or from the unattached list of the Indian Army are under the British Service Leave Rules, during the periods intervening between the date of their first commission and the date on which they join an Indian Army Unit. Any portion of such service spent out of India being neither service out of India under the Indian Army Leave Rules nor service in India under the British Army Leave Rules cannot therefore count towards leave under this rule.

(Comptroller and Auditor-General's letter No. 331-A/113-28, dated 29th November 1928.)

**Counting of service in temporary Indian Medical Service for leave in the Civil Department in the case of Civil Assistant Surgeons, Class I.**

(11) Civil Assistant Surgeons, Class I, who held temporary appointments in the Civil Medical Department in the Madras State before taking employment as temporary commissioned officers of the Indian Medical Service and who were subsequently confirmed as Civli Assistant Surgeons in the Civil Department without any break of service on demobilization should be allowed to count their temporary military service for leave under the Fundamental Rules. The concessions will not be admissible to those who directly joined the Indian Medical Service and were employed in the Madras Medical Service on demobilization in the Army and re-employment in the Civil Medical Department in this State.

[G.O. No. 1962, P.H. (L.S.G.), dated 5th September 1933.]

(12) (i) Military Commissioned Officers of Asiatic Domicile who have become subject to the Fundamental Rules between 1st January 1922 and 23rd July 1923 are subject to special leave rules, *vide* Rule 75 (*b*).

(ii) Such of them who have been subject to the Fundamental Rules between 24th July 1923 and 27th February 1928 are subject to ordinary leave rules but their leave accounts should be credited with 5/22nd of duty up to 27th February 1928 and with 2/11th from 28th February 1928.

(iii) Such of them who have become or will be subject to Fundamental Rules from 28th February 1928 onwards are subject to ordinary leave rules and their account should be credited with 2/11th of duty.

(Letter No. 16-A/260-28, dated 21st January 1929, from the Controller of Civil Accounts, New Delhi.)

**Calculation of the amount of leave to be credited to the leave account of a Government servant, other than a Military Commissioned Officer, on his permanent transfer from Military to Civil employ.**

(13) In calculating the amount of leave that should be credited to the leave account of a Government servant, other than a Military Commissioned Officer, on his permanent transfer from Military to Civil employ, Rule 77 (*d*) should be read with the provisions of the preceding clauses of that rule, so that such portion of the Government servants' military duty as, under the rules for the time being in force, count for pension should be reckoned as duty for the calculation of the amount of leave to be credited under clause (*d*) of the rule.

In the same connexion, a further point for consideration is whether, in cases where a portion of the military service, which is allowed to count for civil leave under clause (*d*) was rendered prior to the 24th July 1923, the date on which 'domicile' was adopted as the sole criterion for eligibility for admission to the benefits of the special rules, the proportion for the calculation of the credit in respect of that portion of the military service should be one-eighth or one-twelfth. This point will be decided by the President of the Republic of India in each case as it arises on its merits.

Two sets of leave accounts should be maintained for Government servants employed under district boards for whom the boards previously paid contribution for pension only, but whose appointments have now been provincialized and for whom the boards are now paying an equated sum on account of pay, leave and pension. The first leave account should show leave earned and taken under the boards. The second leave account should show the leave earned and taken after the appointments were provincialized. Leave granted should be charged against the first leave account until the account becomes exhausted and the second account drawn upon only thereafter. It should of course be seen that the Government servants concerned do not get more than what would be admissible if the whole had been kept as one account. In cases in which any leave was taken after entering Government service and the leave was charged according to rule of proportions the debit of the leave taken should be distributed between both the accounts according to the proportion in which the leave allowances were distributed.

This procedure applies from 1st April 1921 to cases of officers taking leave under the old Civil Service Regulations or the Simplified Leave Rules (1920) or the Fundamental Rules, cases falling under Article 810 of the Civil Service Regulations and the rulings thereunder and cases of Local Fund establishment which has been taken over under Government control, i.e., staff of headquarter hospital, etc.

In the case of an officer, who was first in Municipal service in a District Headquarter Hospital and who was subsequently transferred to Government service on the provincialization of the headquarter hospital, leave salary for leave taken prior to 1st April 1921 while the Government service should be charged according to the rule of proportions.

**78.** The amount of leave debited against a Government servant's leave account is—

(*a*) the actual period of leave on average pay, including any furlough on average salary taken under rules previously in force but excluding special disability leave on average pay, under Rule 83 (7), and

(*b*) half the period of leave on half average pay (other than special disability leave) or on quarter average pay or on leave

salary equal to subsistence grant under the note to Rule 88, or of special disability leave on average pay under Rule 83 (7) (*b*).

*Note* 1.—No privilege leave taken under the former Civil Leave Rules, or by a military officer under the British or Indian Army Leave Rules before coming under Civil Rules, is to be debited under (*a*) above.

*Note* 2.—(i) Under (*b*) above are to be debited—

(*a*) Furlough, leave on medical certificate and special leave with allowances taken under either the European Service Leave Rules or the Indian Service Leave Rules as they stood before these rules came into force.

(*b*) In the case of a Military Commissioned Officer who becomes subject to these rules, leave in and out of India on less than full pay actually taken during the following periods of service:—

(1) Service in India under the Indian Army Leave Rules or the British Army Leave Rules, and

(2) Service out of India under the Indian Army Leave Rules subsequent to the date of first arrival in India:

Provided that the debit on this account shall not exceed the credit given in respect of such service under Rule 77 (*c*).

(ii) In the case of a member of the Indian Civil Service or a Military Commissioned Officer subject to these rules other than such an officer who became subject to these rules after 28th February 1928 and is subject to the ordinary leave rules, or a Chaplain on the Indian Ecclesiastical establishment, special leave with allowances taken under rules previously in force, and leave not due taken under these rules, up to a combined maximum of three months reckoned in terms of leave on average pay, shall not be so debited.

*Note* 3.—In case covered by Rule 77 (*d*), the leave taken during the period of duty on which the credit to the leave account is based is to be debited as prescribed in notes 1 and 2 above.

## RULINGS.

**Debit of leave on average pay taken under Rule 100 against the leave account.**

(1) Leave on average pay taken under Rule 100 should not be debited against the leave account under Rule 78 (*a*).

[G.I., F.D., No. F. 7 (1) R.I./34, dated 16th January 1934.]

(2) The words "other than such officer who became subject to these rules after 28th February 1928 and is subject to the ordinary leave rules" are intended to qualify both the expressions—"a member of the Indian Civil Service" and "a Military Commissioned Officer subject to these rules."

(Comptroller and Auditor-General's letter No. 173-A/99-39, dated 27th March 1939.)

(3) The Government of India have decided with the approval of the President of the Republic of India that leave not due mentioned in Note 2 (ii) to Rule 78, like all other leave not due, should not be granted to an officer preparatory to retirement either on ordinary or proportionate pension.

(4) Leave "not due" taken under Note 2 (ii), whether on medical certificate or not, should not, up to a maximum of three months expressed in terms of leave on avarage pay, be debited to the leave account of a member of the Indian Civil Service, or a Military Commissioned Officer subject to the Fundamental Rules.

(G.I., F.D., No. 622-C.S.R., dated 20th April 1923.)

**79.** When a Government servant, who has previously been subject to the ordinary leave rules, is admitted to the benefits of the special leave rules, no change shall be made in the amount of leave previously credited and debited to his account, but he shall be entitled to the maximum amount of leave prescribed in Rule 81 (*a*) (i).

**80.** The amount of leave due to a Government servant is the balance of leave at his credit in the leave account.

**81.** Except as may be provided in Rule 81-A leave may be granted to a Government servant at the discretion of the authority entitled to grant the leave, subject to the following restrictions :—

(*a*) The maximum amount of leave which may be granted, expressed in terms of leave on average pay, is the privilege leave which it would be permissible to grant to the Government servant in question, on the date on which he becomes subject to these rules, under the rules applicable to him prior to that date, *plus*—

one eleventh of the period spent on duty subsequent to that date, *plus*—

(i) in the case of Government servants under the special leave rules, three years; or

(ii) in the case of Government servants under the ordinary leave rules, two and a half years :

Provided that special disability leave on half average pay or on average pay under Rule 83 (7) (*a*) shall not be taken into account in calculating the maximum prescribed by this clause and in the case of such leave taken on average pay under Rule 83 (7) (*b*), account shall be taken of only half the period thereof.

(*b*) The maximum amount of leave on average pay including any furlough on average salary taken under rules previously in force but excluding special disability leave on average pay under rule 83 (7) (*a*) which may be granted is—

(i) to a Government servant under the special leave rules, eight months at any one time, and, in all,—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules applicable to him prior to that date, *plus*

one-eleventh of the period spent on duty subsequent to that date, *plus* one year;

(ii) to a Government servant under the ordinary leave rules, four months or to such Government servant attached to the Kashgar Consulate-General, six months at any one time, and, in all,—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules in force prior to that date, *plus*

one-eleventh of the period spent on duty subsequent to that date :

Provided that in the case of a Government servant *other than a last grade Government servant* * subject to the ordinary leave rules, who either takes leave on medical certificate other than leave preparatory to retirement or spends his leave elsewhere than in India, Pakistan, Ceylon, Nepal, Burma or Aden, the maxima prescribed in sub-clause (i) of this clause shall apply.

*Note* 1.—In the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months,

* These words were added by the State Government with the sanction of the Secretary of State in Council under rule 9 of the Civil Services (Classification, Control and Appeal) Rules, 1939.

the number of months to be taken at one time as prescribed in sub-clauses (i) and (ii) above may be increased, on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

*Note* 2.—The leave on average pay which on the date on which he becomes subject to these rules it would be permissible to grant to a Military Commissioned Officer under Rule 100 should, when he becomes so subject, be treated as privilege leave for the purposes of sub-rules (*a*) and (*b*) of this rule.

*Note 3.—When a Government servant is granted leave on medical certificate with referense to the proviso to sub-clause (ii) of clause (b) of this rule, an undertaking should be obtained from him to the effect that he will in the event of his retirement or resignation, at the end of the leave or an extension of the leave refund by deduction from pension or in cash the difference between the average pay and half average pay for the period of leave on average pay which would not have been admissible had the proviso not been applied. If the retirement is voluntary refund shall be enforced but if the retirement is compulsorily thrust upon the Government servant by reason of ill-health incapacitating him from further service or for other reasons, no refund shall be taken.*

(*c*) Save in the case of leave preparatory to retirement, leave not due may be granted subject to the following conditions :—

(i) on medical certificate, without limit of amount; and

(ii) otherwise than on medical certificate, for not more than three months at any one time and six months in all, reckoned in terms of leave on average pay.

*Note.*—In cases where a Government servant who has been granted leave not due under this clause applies for permission to retire voluntarily the leave not due shall, if the permission be granted, be cancelled and his retirement shall have effect from the date on which leave commenced.

## RULINGS UNDER FUNDAMENTAL RULE 81 (c).

(1) *Extract from the letter from the Government of India, Finance Department, No. F. 46-R (I), dated 6th May* 1929.—The Government of India have decided that leave not due is intended to be regarded as an advance of leave and that its grant should therefore be limited to the amount that both (*a*) can be and (*b*) will be earned by subsequent duty; further, that it is meant to be granted only in exceptional circumstances, such as illness or urgent private affairs; and finally, that when the exceptional step of granting such leave is taken, it should be irrevocable, except at the request of the officer, who should not be penalized if reasonable anticipations fail to materialize. The Governor-General-in-Council has accordingly ruled—

(1) that leave not due may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen, the officer will return to duty and earn it; and

(2) that the leave when granted should in all cases (subject to the officer's wishes) be allowed to stand, including cases in which the officer fails to earn it by subsequent duty.

(2) The first item of the above ruling does not apply in the case of leave not due to which an officer may be eligible under Note 2 (ii) to Fundamental Rule 78.

(3) Government servants of this State may be granted " leave not due " under the Fundamental Rules and unearned leave on medical certificate under Madras Leave Rules for the treatment of tuberculosis subject to the following conditions:—

(i) The concession will be limited only to permanent Government servants and approved probationers in the various services.

(ii) A medical certificate, from the Government servant's authorized medical attendant or the Medical Officer in charge of a recognized sanatorium in the case of those undergoing treatment in a recognized

sanatorium, should be produced. The prospect of returning to duty on the expiry of the leave should be assessed on the basis of the certificate given by the appopriate medical authority.

(iii) In the case of leave not due granted under the Fundamental Rules, the Government servant concerned should have enough service after his return to duty within which he would be able to wipe off the debit balance before reaching the age of superannuation.

(Finance Memorandum No. 85539-C.S.R.-3, dated 28th November 1953.)

(4) The instructions in ruling (3) will be extended to the case of Government servants suffering from leprosy and undergoing treatment either under a recognized medical attendant or in a leprosy institution.

(Finance Memorandum No. 32405-C.S.R.-2, dated 28th April 1954.)

(*d*) The maximum period of continuous absence from duty on leave granted otherwise than on medical certificate is twenty-eight months. This period shall in no circumstances be exceeded by a Government servant who is on leave preparatory to retirement.

*Note.*—A Government servant who is compulsorily retired from service before completing 25 years of qualifying superior service may be given leave preparatory to retirement, provided the grant of leave does not vitiate the orders of compulsory retirement.

(*e*) When a Government servant returns from leave which was not due and which was debited against his leave account, no leave will become due to him until the expiration of a fresh period spent on duty sufficient to earn a credit of leave equal to the period of leave which he took before it was due.

## RULINGS.

### Scope of the application of the Industrial Employees Leave Rules for employees in the Government Press, Madras.

(1) Government have issued the following orders regarding the applicability of the Industrial Employees Leave Rules to employees in the Government Press who were in service before the introduction of the Industrial Leave Rules:—

(1) All employees in the Government Press, who were appointed prior to 1st January 1922 and who have been in service continuously since then, will continue to be governed by the leave rules which were applicable to them before 1st March 1930, even after the introduction of the Industrial Employees Leave Rules.

(2) In respect of all other employees, the applicability of the Industrial Employees Leave Rules will be regulated as follows:—

(i) Persons who were permanently holding superior salaried posts in the Press on 1st March 1930 will continue to be governed by the leave rules that were applicable to them prior to the introduction of the Industrial Employees Leave Rules.

(ii) All other persons, whether they were *temporary* superior servants or *permanent* or *temporary* last grade servants on 1st March 1930, will come under the Industrial Employees Leave Rules with effect from the date of their substantive appointment to superior salaried posts in the Press.

(3) In the case of an employee, who was permanent in a post carrying a scale of pay like Rs. 15—1—30 and who was drawing Rs. 20 or less on 1st March 1930, the Industrial Employees Leave Rules will begin to apply to him as soon as he begins to draw Rs. 21 in the scale.

(4) The protection afforded by Note 1 under Rule 2 or the orders in G.O. No. 1380, Public, dated 25th October 1932, extracted below, will not apply in respect of either casual leave or hospital leave:—

Any rule made under the Civil Services (Classification, Control and Appeal) Rules in respect of any service or class thereof shall be applicable to all persons holding posts intended to be held by members of that service or class, on the date on which such rule was made ;

Provided that nothing in any such rule shall operate to deprive any such person of any right or privilege to which he is entitled by or under any rule or order applicable to him prior to the making of such rule.

(G.O. Ms. No. 823, Education, dated 29th May 1941.)

(2) Leave on $\frac{\text{average pay}}{\text{full pay}}$ will be earned at the rate of one month's leave for every completed period of 11 months' duty and as regards incomplete periods, one day's leave for 11 days' duty, provided that no such leave can be earned by any employee who has $\frac{\text{four months' leave on average pay}}{\text{ninety days' leave on full pay}}$ to his credit.

*Note.*—Duty rendered during the period of continuous service prior to confirmation will count for leave under rule 1, the leave taken on each occasion during that service being deducted from the leave earned in respect of duty rendered prior to such occasion.

(G.O. Ms. No. 495, Finance, dated 6th August 1924.)

(3) On the production of a medical certificate *recognized under any rule or order of Government*, to the leave due under the preceding rule there may be added subject to rule 4, $\frac{\text{leave on half average pay}}{\text{leave on half pay}}$ up to three months and a further extension of leave $\frac{\text{on half average pay}}{\text{on half pay}}$ not exceeding three months may be granted on the production of a fresh medical certificate granted by the officer in chief medical charge of the district in which the employee is residing.

(4) Leave without pay may be granted when no other leave is admissible.

(5) The total amount of leave on medical certificate admissible to any employee during his service shall not exceed $\frac{\text{two}}{\text{one and a half}}$ years.

(6) Injury leave at half pay rates may be granted from the commencement of disablement to all permanent salaried industrial employees who are injured in circumstances which would give rise to claims for compensation in the case of a workman as defined in the Workmen's Compensation Act. This leave shall be granted for so long as is necessary subject to a limit of two years for any one disability and five years during an employee's total service. It shall not be taken into account in calculating the limit laid down in rule 4. Leave salary payable under this rule will, in the case of a workman to whom the Workmen's Compensation Act applies, be reduced by the amount of compensation payable under section 4 (1) (*d*) of the said Act.

*Leave rules applicable to permanent and temporary pieceworkers employed in the Government Press, Madras, who are not classed as "last grade".*

Pieceworkers whose average earnings for the preceding 12 months do not exceed Rs. 20 per mensem will be considered last grade for the purpose of the subsidiary rule under Rule 87.

1. (*a*) $\frac{\text{Leave on average pay}}{\text{Leave on full pay}}$ may be granted to pieceworkers as below:—

With less than ten years' service—16 days in each calendar year.

With ten years' service and over—23 days in each calendar year.

*Explanation.*—"Service" for the purpose of this clause shall be as on the first day of January of the calendar year in which the leave is taken.

(*b*) This leave will be non-cumulative, i.e., any leave not taken during the year will lapse without any monetary compensation.

(*c*) Gazetted holidays actually enjoyed may, at the option of the pieceworker, be counted against any leave admissible to him under sub-rule (*a*) and if so counted, will be paid for.

(*d*) The grant of leave under these rules cannot be claimed as a right, and can be refused by the sanctioning officer on administrative grounds. It may also be withheld from pieceworkers who have been irregular in attendance.

2. Hospital leave may be granted under subsidiary rules to Rule 101 (*b*).

3. Leave without pay may be granted when no other leave is admissible,

4. Pieceworkers shall be classified for the purposes of leave allowance $\frac{\text{on average or half average pay}}{\text{on full or half pay}}$ and for extra allowance for overtime according to the subsidiary rules hereunder:—

**Subsidiary rules for the classification of pieceworkers.**

(i) Class rates according to the attached schedule shall be calculated for leave allowances $\frac{\text{on average or half average pay}}{\text{on full or half pay}}$ and for extra allowances for overtime.

*Note.*—For the purpose of calculating leave allowances, the number of working hours per day shall be 7.

(ii) For purposes of classification, the earnings of a pieceworker for the previous six months shall be divided by the number of hours worked and his class fixed at the figure appropriate to his average earnings or at the figure next above the average earnings when they do not coincide with the class rates. The class for new men will be fixed by the Superintendent for the first six months of service.

(iii) Reclassification may be claimed at intervals of not less than two years.

(iv) Piecework imposers in a lower class may be promoted to a higher class provided they do not exceed generally the class rate of Re. 0–3–8 for quick and correct work, general good conduct, regularity of attendance and long service, and pieceworkers in a higher class shall be liable to be relegated to a lower class for misconduct, irregular attendance or careless work.

*Schedule.*

| Class. | Rate per hour. RS. | A. | P. | Class. | Rate per hour. RS. | A. | P. |
|---|---|---|---|---|---|---|---|
| 1 | 0 | 1 | 0 | 11 | 0 | 4 | 6 |
| 2 | 0 | 1 | 6 | 12 | 0 | 5 | 0 |
| 3 | 0 | 1 | 9 | 13 | 0 | 5 | 6 |
| 4 | 0 | 2 | 0 | 14 | 0 | 6 | 0 |
| 5 | 0 | 2 | 4 | 15 | 0 | 6 | 6 |
| 6 | 0 | 2 | 8 | 16 | 0 | 7 | 0 |
| 7 | 0 | 3 | 0 | 17 | 0 | 7 | 6 |
| 8 | 0 | 3 | 4 | 18 | 0 | 8 | 0 |
| 9 | 0 | 3 | 8 | 19 | 0 | 8 | 6 |
| 10 | 0 | 4 | 0 | 20 | 0 | 9 | 0 |

*Note* 1.—In dealing with the leave of permanent salaried industrial employees and of permanent and temporary pieceworkers not classed as last grade, appointed in the Government Press, after 10th May 1934, *substitute* for the words underlined the words inserted below the line.

*Note* 2.—In the case of an industrial employee appointed after 10th May 1934, ' pay ' means the pay (*excluding* special pay but including personal pay and any other emoluments classed as pay) on the last day of duty prior to the commencement of leave in respect of the permanent post which he then holds substantively or on which he holds a lien or would hold a lien had it not been suspended.

The leave concessions specified above are subject to the following conditions:—

*The leave concessions are confined to employees in superior service.*—The Government do not see sufficient reason to extend them to employees in last grade service and thus accord to them a treatment different from that obtaining in other departments.

(G.O. No. 156, Finance, dated 21st February 1930 and G.O. No. 301, Finance, dated 10th May 1934.)

REVISED LEAVE RULES APPLICABLE TO THE SALARIED INDUSTRIAL EMPLOYEES AND PIECEWORKERS OF THE GOVERNMENT PRESS, ENTERTAINED AFTER 10TH MAY 1934.

1. The rules below may be called the Revised Leave Rules for the Government Press employees.

2. The rules shall apply respectively to the permanent salaried industrial employees and permanent and temporary piece workers employed in the Government Press, Madras, after 10th May 1934, who are not classed as

last grade as defined in the Fundamental Rules. They shall also apply to employees in last grade service promoted to be permanent salaried industrial employees and permanent and temporary pieceworkers in superior service.

Such of the employees governed by these rules as were in service after 10th May 1934 shall carry forward the leave to their credit on 1st December 1936 and be eligible for further leave in accordance with these rules with effect from 1st December 1936.

3. Pieceworkers whose average earnings for the preceding twelve months do not exceed Rs. 20 per mensem will be considered last grade for the purpose of these rules.

4. 'Pay' means the pay (excluding special pay but including personal pay and any other emoluments classed as pay) on the last day of duty prior to the commencement of leave, in respect of the permanent post which he then holds substantively or on which he holds a lien or would hold a lien had it not been suspended.

5. In the case of a permanent industrial employee transferred from the salaried to the piecework establishment or *vice versa* credit shall be allowed for 'earned leave' or 'leave on full pay' due at the date of transfer under rule 1 in the two sets of rules below.

6. The employees holding temporary posts and those in last grade service in the Government Press are governed by the provisions of the Fundamental Rules which are applicable to similar employees in other departments. On the issue of the Madras Leave Rules, 1933, these revised rules applied to such employees as are appointed after 4th September 1933, and these rules continue in operation. Similarly, men employed in the day-extra establishment and those borne in the contingent establishment are governed by existing orders.

7. Employees who are entitled to draw overtime allowances will not be eligible for casual leave except special leave on account of contact with infectious diseases or for the performance of military duties. Fractions of a day and parts of a day for late attendance should be counted against the leave due under the new rules.

## Leave Rules to regulate the leave of permanent Salaried Industrial employees in the Government Press, Madras, who are not classed as 'Last Grade' as defined in Fundamental Rules.

*For permanent employees.*

1. Leave on full pay will be earned at the rate of one month's leave for every complete period of eleven months' duty and as regards incomplete periods, one day's leave for eleven days' duty, provided that no such leave can be earned by any employee who has ninety days' leave on full pay to his credit.

*Note.*—Duty rendered during the period of continuous service prior to confirmation will count for leave under rule 1, the leave taken on each occasion during that service being deducted from the leave earned in respect of duty rendered prior to such occasion.

2. On the production of a medical certificate *recognized under any rule or order of Government*, to the leave due under the preceding rule there may be added subject to rule 4, lay on half pay up to three months, and a further extension of leave on half pay not exceeding three months may be granted on the production of a fresh medical certificate granted by the officer in chief medical charge of the district in which the employee is residing.

3. Extraordinary leave may be granted when no other leave is admissible or when other leave being admissible, the employee applies in writing for this leave. An employee on extraordinary leave is not entitled to any leave salary.

4. The total amount of leave on medical certificate admissible to any employee during his service shall not exceed one year.

5. Any kind of leave under these rules may be granted in combination with, or in continuation of, any other kind of leave.

6. Leave cannot be claimed as of right. Discretion is reserved to the authority empowered to grant leave to refuse or revoke leave at any time according to the exigencies of the public service.

7. Injury leave at half-pay rates may be granted from the commencement of disablement to all permanent salaried industrial employees who are injured in circumstances which would give rise to claims for compensation in the case of a workman as defined in the Workmen's Compensation Act. This leave shall be granted for so long as is necessary subject to a limit of two years for any one disability and five years during an employee's total service. It shall not be taken into account in calculating the limit laid down in rule 4. Leave salary payable under this rule will, in the case of a workman to whom the Workmen's Compensation Act applies, be reduced by the amount of compensation payable under section 4 (1) (*d*) of the said Act.

8. Hospital leave will not be admissible under subsidiary rules to Rule 101 (*b*).

## Leave Rules applicable to permanent and temporary pieceworkers employed in the Government Press, Madras, who are not classed as 'Last Grade.'

1. (*a*) Leave on full pay may be granted to pieceworkers as below:—

With less than 10 years' service—16 days in each calendar year.

With 10 years' service but less than 15 years—23 days in each calendar year.

With 15 years' and above—31 days in each calendar year.

*Explanation.*—' Service ' for the purpose of this clause shall be as on the first day of January of the calendar year in which the leave is taken.

*Note.*—In calculating the length of service, the period of continuous temporary service rendered by a pieceworker up to the date of his being brought on to the permanent establishment, as well as continuous last grade service rendered up to the date of his promotion to superior service, shall be taken into account.

(*b*) This leave will be non-cumulative, i.e., any leave not taken during the year will lapse without any monetary compensation.

(*c*) Gazetted holidays actually enjoyed may, at the option of the piece worker, be counted against any leave admissible to him under sub-rule (*a*) and if so counted, will be paid for.

(*d*) The grant of leave under the rules cannot be claimed as a right and can be refused by the sanctioning officer on administrative grounds. It may also be withheld from pieceworkers who have been irregular in attendance.

2. Hospital leave may be granted under subsidiary rules to Rule 101 (*b*).

3. Extraordinary leave may be granted when no other leave is admissible, or when other leave being admissible, the pieceworker applies in writing for this leave. A pieceworker on extraordinary leave is not entitled to any leave salary.

4. Pieceworkers shall be classified for the purposes of leave allowances on full or half pay and for extra allowances for overtime according to the subsidiary rules hereunder:—

*Subsidiary rules for the classification of pieceworkers.*—(i) Class rates according to the attached schedule shall be calculated for leave allowances on full or half pay and for extra allowances for overtime.

*Note.*—For the purpose of calculating leave allowances, the number of working hours per day shall be 7.

(ii) For purposes of classification, the earnings of a pieceworker for the previous six months shall be divided by the number of hours worked and his class fixed at the figure appropriate to his average earnings or at the figure next above the average earnings when they do not coincide with the class-rates. The class for new men will be fixed by the Superintendent for the first six months of service.

(iii) Reclassification may be claimed at the intervals of not less than two years.

(iv) Piecework imposers in a lower class may be promoted to a higher class, provided they do not exceed generally the class rate of Re. 0-3-8, for quick and correct work, general good conduct, regularity of attendance and long service, and pieceworkers in a higher class shall be liable to be relegated to a lower class for misconduct, irregular attendance or careless-work.

*Schedule.*

| Class. | Rate per hour. RS. A. P. | Class. | Rate per hour. RS. A. P. |
|---|---|---|---|
| 1 | 0 1 0 | 11 | 0 4 6 |
| 2 | 0 1 6 | 12 | 0 5 0 |
| 3 | 0 1 9 | 13 | 0 5 6 |
| 4 | 0 2 0 | 14 | 0 6 0 |
| 5 | 0 2 4 | 15 | 0 6 6 |
| 6 | 0 2 8 | 16 | 0 7 0 |
| 7 | 0 3 0 | 17 | 0 7 6 |
| 8 | 0 3 4 | 18 | 0 8 0 |
| 9 | 0 3 8 | 19 | 0 8 6 |
| 10 | 0 4 0 | 20 | 0 9 0 |

(G.O. No. 2560, Education and Public Health, dated 1st December 1936.)

*Note.*—Pieceworkers in the Government Press who were employed before 10th May 1934 may be allowed to exercise the option of electing to come under the revised leave rules subject to the following conditions :—

(1) that the election to the revised rules is made within six months from 21st April 1937, and

(2) that such election once made shall be final.

(G.O. Ms. No. 850, Education and Public Health, dated 21st April 1937.)

**Leave rules for the engine driver, fitter, foreman and packer of the Government Quinine Factory, Naduvattam.**

The holders of the posts of engine driver, fitter, foreman and packer as on 27th November 1941 will be eligible for leave under the ordinary leave rules contained in the Fundamental Rules or the Madras Leave Rules, as the case may be. Future entrants to these posts will be eligible for leave as detailed below:—

(*a*) Leave with full pay for 15 days in a year (non-cumulative) for service not exceeding three years, and for 20 days in a year (non-cumulative) for service exceeding three years,

(*b*) Leave on medical certificate up to two months at any one time without allowances, and

(*c*) Extraordinary leave without allowances up to two months at any one time.

With effect from 16th February 1945 the above rules will apply also to persons appointed to the posts under emergency provisions.

(G.O. Ms. No. 1646, Development, dated 23rd April 1945, and G.O. Ms. No. 2765, Development, dated 16th July 1945.)

**Calculation of leave on average pay to officers of vacation departments.**

1. The only distinction which the Fundamental Rules make between a vacation and non-vacation officer is that the leave account and amount of leave which can be taken on average pay have to be calculated for the former in the light of Rule 82 (*b*) and that the waiving of the maximum limit for leave salary is subject to the condition in Note (2) to Rule 89. A vacation officer can be given leave on average pay provided that the leave is at his credit and that the maximum prescribed in Rule 81 (*b*) (ii) calculated with reference to Rule 82 (*b*) is not exceeded. The effect of this ruling is that an officer of the vacation department who enjoys each vacation can have leave on average pay without the production of a medical certificate to the extent of one-eleventh of duty subsequent to 1st January 1922 *minus* one month for each year of duty or a proportionate fraction thereof if the period of duty is less than a year.

2. If leave on average pay is applied for while a Government servant is enjoying leave on half average pay in continuation of a period of leave on average pay, either by the production of a medical certificate or on proceeding out of India, Ceylon, Nepal, Burma, Aden or Pakistan the period of leave on average pay that may then be granted should be similarly limited to the period actually covered by the medical certificate or spent elsewhere than in India, Ceylon, Nepal, Burma, Aden or Pakistan. The grant of the leave should also be so regulated that the total period of leave on average pay, i.e. (including the portion at the beginning of the leave), during that spell of leave does not exceed eight months. In such cases the total period of leave on average pay shall be treated as one continuous spell of leave on average pay in order to determine whether the first four months of the leave should be treated as privilege leave for purposes of pension.

**Method of calculation of 1/11th of duty in respect of officers subject to the Special Leave Rules.**

Leave on average pay at one-eleventh of duty (in the case of those subject to the Special Leave Rules) should be worked out and maintained continuously on a side of the leave account, instead of being worked out *ab initio* every time leave is applied for and in so doing the fractions should be rounded each time an officer proceeds on leave.

(Comptroller and Auditor-General's letter No. 438-A/293/39, dated 25th October 1939.)

**Effect on right to leave of a period of deputation in interruption of leave.**

3. When a Government servant is placed on deputation in Europe or America while on leave out of India, the deputation should be regarded merely as an interruption of the leave already granted. The effect of this ruling is that, in ordinary circumstances, the absence of such an officer will be extended by the period of his deputation but the deputation will not entitle him to a fresh grant of leave. The balance of the unenjoyed leave should therefore be worked out before the deputation intervenes and the amount of leave should be restricted to this available balance.

If in any case it is proposed to extend the period of leave originally sanctioned, by any period of leave earned by the deputation, the sanction of the President of the Republic of India is necessary for such extension. The two portions of his leave before and after the deputation should be treated as one spell of leave for the purpose of the maximum limits under Rules 81 (*b*) (i), 81 (*d*) and 89.

(G.I., F.D., No. F-23-III-C.S.R.-27, dated 20th May 1927. Letter to the C.C.A., No. G.A. 48-37, dated 7th June 1927, Comptroller and Auditor-General's reply telegram No. 289-A-I/8-27, dated 16th June 1927 and C.C.A.'s' letters No. 398-A.-8/27, dated 16th August 1927, and No. 398-A.-8/27, dated 16th August 1927.)

**Effect of orders of recall on the concession allowed by the note.**

4. A Government servant under the ordinary leave rules who has been granted leave on average pay for the first time after the introduction of the Fundamental Rules for more than four months under the provisions of the above note and who was compulsorily recalled to duty before the expiry of the full period of his leave, cannot again have the concession of the note, i.e., the note to Rule 81 (*b*) does not provide in any circumstances for the grant of leave of more than four months to a Government servant on the second occasion of his taking leave under the Fundamental Rules.

(G.I., F.D., No. F-130-C.S.R./25, dated 9th June 1925.)

5. Special disability leave on average pay granted under clause (*b*) of Rule 83 (7) should be taken into account in full, in calculating the maximum amount of leave on average pay that can be granted to a Government servant under Rule 81 (*b*).

This will apply only to leave granted after 13th April 1926.

(Comptroller and Auditor-General's letter No. 250-A-194-32, dated 16th November 1932, and No. 68-A-194/32, dated 2nd May 1933.)

6. For the purpose of determining the maximum limit of leave on average pay that may be granted at any one time to an officer who has been suspended and whose period of suspension occurs between two periods

of leave on average pay, the effect of the latter leave being the postponement of the reduction of his pay the period of suspension should be ignored and the entire period of leave on average pay treated as one continuous spell of leave.

(Letter No. T. 180-A/90-36, dated 22nd May 1936, from the Comptroller and Auditor-General to the Accountant-General, Bombay, issued with the concurrence of the Government of India.)

**Extent of total leave on average pay.**

7. The total leave on average pay without medical certificate spent in India, Ceylon, Nepal, Aden, Burma or Pakistan should not exceed the privilege leave, if any, at credit on the 1st January 1922 *plus* one-eleventh of the period spent on duty subsequent to that date.

The total leave on average pay taken with or without medical certificate and spent in or outside India, Ceylon, Nepal, Aden, Burma or Pakistan should not exceed the privilege leave, if any, at credit on the 1st January 1922 *plus* one-eleventh of the period spent on duty subsequent to that date *plus* one year less any period of furlough on full average salary taken prior to the 1st January 1922.

In both cases, leave can be granted only if there is sufficient leave in the leave account itself.

(Comptroller and Auditor-General's letter No. 1136-A-390/23, dated 14th November 1923.)

**Grant of leave on average pay without medical certificate in continuation of leave on average pay on medical certificate.**

8. If, under the operation of the proviso to Rule 81 (*b*) (ii), the maximum amount of leave on average pay admissible at a time is increased, further leave on average pay may not be granted in continuation, unless such leave is taken on medical certificate or is spent elsewhere than in India, Ceylon, Nepal, Aden, Burma or Pakistan—but such leave on average pay which may be taken on medical certificate or outside India, Ceylon, Nepal, Aden, Burma or Pakistan up to a maximum of twelve months in a Government servant's whole service, if due, does not consume the leave on average pay which may be taken without medical certificate.

*Note.*—The maximum amount of leave on average pay admissible at a time occurring in the above instruction is the leave actually at the credit of a Government servant in column 6 of the leave account or four months whichever is less, i.e., if a Government servant, subject to ordinary leave rules, takes leave on average pay against the extra one year allowed by proviso to Rule 81 (*b*) (ii), he cannot have an extension of leave on average pay in India without medical certificate, unless the total period of leave on average pay is limited to the credit in column 6 of the leave account or *four* months, whichever is less.

(C.C.A.'s letter No. 74-A/190-31, dated 29th March 1932.)

9. (1) The maximum amount of leave on average pay, which on any particular date may be granted to a Government servant subject to the ordinary leave rules, on medical certificate or out of India, Ceylon, Nepal, Aden, Burma or Pakistan will be the sum total of the last entry in column 6 of the leave account and the unspent balance of one year, limited to eight months at a time, provided that this sum total is covered by the period entered in column 8.

(2) When such leave is debited to the leave account it should be entered in column 11 till the limit of one year is reached and thereafter in column 10. If the leave at credit in column 7 is less than the leave entered in column 11 as indicated above, a *minus* entry in column 17 will arise in the same way as when the leave in column 7 is less than the leave entered in column 14.

(3) It may happen that when this minus entry is carried forward to column 7 the balance in column 7 may still be minus, but this fact does not affect the question of the subsequent grant of leave on average pay on medical certificate or out of India, Ceylon, Nepal, Aden, Burma or Pakistan which will be regulated entirely by the conditions specified in paragraph (1) above.

**Treatment of leave 'not due' granted to officers of vacation department.**

10. On the question whether a Government servant of a vacation department can get the benefit of Rule 81 (*c*) in addition to that conferred by Rule 82 (*c*), it has been ruled that, when the privilege permitted by the latter rule is exercised, the additional leave permissible under that rule

becomes "leave due" and thus acquires a character different from the "leave not due" which may be granted under Rule 81 (*c*). Leave under Rule 81 (*c*) and under Rule 82 (*c*) may be granted in conjunction.

(Comptroller and Auditor-General's letter No. 648-A/172-23, dated 16th May 1923.)

11. Rule 81 (*e*) does not prevent the grant of leave "not due" as such on the ground that the previous leave "not due" taken has not been cleared provided that the total period of leave "not due" does not exceed the maximum of six months in terms of average pay.

The authority competent to sanction leave can, however, refuse to grant a fresh period of leave "not due" if the application for such leave is not supported by a medical certificate.

(Comptroller and Auditor-General's letter No. 98-A/492-25, dated 28th January 1924.)

12. Officers who are permitted to retire on proportionate pension after enjoying a period of leave not due on medical certificate should be permitted to retain the leave salary paid to them while on leave "not due" and should be retired with effect from the date on which their application for permission to retire is sanctioned.

G.I., H.D., letter containing Secretary of State's decision No. F. 151-33-Ests., dated 20th April 1933.)

**Date from which invaliding shall take effect in the case of officers on leave 'not due.'**

13. The President of the Republic of India has decided that where officers under his control are invalided when on leave "not due" the date of invaliding shall be that following the expiry of the leave already granted.

14. Under G.O. No. 188, P.H., dated 26th January 1926, a Government servant showing symptoms of leprosy should not at once be invalided from service but should be granted all the leave which is to his credit to enable him to undergo the up-to-date curative treatment and he should be invalided from service only if after undergoing the treatment for the full period of leave to his credit he is still certified to be infected with the disease. "Leave not due" may also be granted to such a person if he is still undergoing treatment at the time of expiry of the leave which is to his credit.

The above orders also apply to persons suffering from secondary syphilis.

(G.O. Ms. No. 111, Public, dated 30th January 1929.)

**Twenty-eight months' continuous absence explained.**

15. The limit of 28 months of continuous absence prescribed in this rule includes the period of vacation if any with which study and other leave is combined.

The intention of this rule is that whatever kind of leave has been included in the first 28 months, any extension after that period on allowances, may be granted only on medical certificate.

(G.O. Ms. No. 1293, Revenue, dated 7th July 1927.)

**Interpretation of the expression "continuous absence from duty on leave."**

16. The expression "continuous absence from duty on leave" occurring in these rules does not include absence on extraordinary leave.

**Combination of ordinary leave with "special leave" granted in connection with the award of Commonwealth Fund Service Fellowships.**

17. The expression "continuous absence from duty on leave" occurring in these rules includes absence on "special leave" granted in connection with the award of Commonwealth Fund Service Fellowships, if owing to a combination of ordinary leave with such "special leave" the aggregate period of absence exceeds 28 months.

(Letter from the India Office to the Government of India in the Home Department, No. S, and G-4892/32, dated 19th October 1932.)

**81-A.** An officer of the Indian Medical Service, holding an administrative post or promoted to supernumerary administrative rank, shall, during any one tenure of such post, or for so long as he holds that rank, not be granted leave, exceeding twelve months

in all, or eight months at any one time, any leave granted under Rule 86 being included in the maximum period of twelve months, but this maximum shall be increased by three months for each completed year by which the tenure of an administrative post, by reason of an extension or the period during which an officer has held supernumerary administrative rank, as the case may be, exceeds four years.

### RULING.

**Leave to Indian Medical Service Officers holding administrative posts.**

Continuous absence from duty in excess of eight months will involve vacation of appointment.

(G.I., Department of Education, Health and Lands No. 244-Medl., dated 5th April 1922, and G.O. No. 570-P.H., Mis., dated 25th April 1922, G.I., Education Department No. 694, Health, dated 15th September 1922.)

**82.** The following provisions apply to vacation departments only :—

(*a*) A local Government may make rules specifying the departments or parts of departments which should be treated as vacation departments, and the conditions in which a Government servant should be considered to have availed himself of a vacation.

(*b*) Vacation counts as duty, but the periods of total leave in Rules 77, 81 (*a*) and 81 (*b*) should ordinarily be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.

(*c*) In cases of urgent necessity, when a Government servant requires leave and no leave is due to him, the periods in Rules 77 and 81 (*a*) as reduced by clause (*b*) of this rule, may be increased by one month for every two years of duty in a vacation department.

(*d*) When a Government servant combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.

NOTE.—*A Government servant will be considered to combine vacation with leave when such leave immediately precedes or follows the vacation.*

*Subsidiary Rules under Rule* 82 (*a*).

1. A vacation department is a department, or part of a department, to which regular vacations are allowed, during which Government servants serving in the department are permitted to be absent from duty.

2. Any period of recess which exceeds 15 days in duration shall be treated as a vacation for the purposes of Rule 82.

3. The following classes of Government servants are in vacation departments when the conditions of subsidiary rule 1 are fulfilled.—

(a) Educational officers other than Inspecting Officers and their establishments; the staff in professional colleges and schools enumerated in the Annexure below, when they enjoy a vacation:—

*Annexure.*

1. Madras Veterinary College.
2. Teachers College, Saidapet.
3. Government Training College, Kozhikode.
4. Government Training College, Mangalore.
5. Lady Willingdon Training College, Madras.
6. College of Engineering, Guindy.
7. Government College of Technology, Coimbatore.
8. Law College, Madras.
9. Madras Medical College, Madras.
10. Stanley Medical College, Madras.
11. College of Indigenous Medicine, Madras.
12. Central Polytechnic, Madras.
13. Tamil Nad Polytechnic, Madurai.
14. Kerala Polytechnic, Kozhikode.
15. Karnataka Polytechnic, Mangalore.
16. Government Polytechnic, Coimbatore.
17. School of Arts and Crafts, Madras.
18. Government Textile Institute, Madras.
19. Institute of Leather Technology, Madras.
20. Schools and hostels run by the Harijan Welfare Department.
21. Schools and training institutions under the control of the Fisheries Department.

(b) Judicial officers, other than District and Sessions Judges, Additional District and Sessions Judges, Magistrates and Indian Civil Service Officers undergoing judicial training and Official Receivers, and the establishments of all Judicial officers other than Magistrates and Official Receivers.

(c) Medical and Forest Officers solely employed in teaching or undergoing a course of training in a teaching institution except Curators of Pathology Museums in Medical Colleges.

*Note.*—The non-medical posts of Assistant to the Lecturer in Pharmaceutics, and of Assistant to the Lecturer in Pharmacognosy in the Medical College, Madras, shall also be treated as posts belonging to a vacation department.

(d) *Deleted.*

(e) Official Assignee and Deputy Official Assignee, Madras.

(f) Government servants in the office of the Sheriff of Madras.

(g) Official Receiver, High Court of Madras.

(h) Deputy Registrars posted for work connected with the teaching of the subject of Co-operation in the B.Com. (Hons.) course conducted by the University of Madras.

(i) Any other Government servant whom the State Government may declare to be so serving.

4. An officer holding two appointments, one in a vacation department, and the other not, will not be deemed to be employed in a vacation department.

*Note.*—In districts where the scheme of separation of the Judiciary from the Executive is in force, District Munsifs who are also Subdivisional Magistrates within their jurisdiction will close their courts on the civil side for the vacation but will have to work as Subdivisional Magistrates during the vacation. They will be denied the benefit of vacation and treated therefore as officers prevented from availing themselves of the whole or part of the vacation, as the case may be. They will accordingly be given the benefit of appropriate addition to their leave accounts under subsidiary rule 6. Similar arrangements will govern the members of the staff of such courts also.

The above arrangements apply only to the District Munsifs-*cum*-Subdivisional Magistrates and not to the District Munsifs who are First-class Magistrates in any district.

5. In case of doubt the State Government will decide whether or not a particular Government servant is serving in a vacation department.

6. A Government servant, serving in a vacation department, shall be considered to have availed himself of a vacation or a portion of a vacation, unless he has been required, by general or special order of a higher authority, to forego such vacation or portion of a vacation: provided that, if he enjoys not more than 15 days of the vacation, he shall be considered to have availed himself of no portion of it. A Government servant who has routine duties to discharge during the vacation, which do not require his presence at his place of duty and which can be performed either by himself at some other place or by some other Government servant, shall be considered to have availed himself of a vacation or a part of it; a Government servant who leaves his place of duty during a vacation is expected to arrange for, and is responsible for, the performance, without any cost to Government, of such routine duties. A Government servant who leaves his place of duty during vacation is liable to be recalled thereto at his own expense.

7. When a Government servant is transferred from a vacation department to a non-vacation department, his period of service in the former will, for the purposes of Rule 82 (*b*), be considered to have terminated with effect from the close of the last vacation enjoyed by him. When a Government servant is transferred from a non-vacation department to a vacation department, his period of service in the latter will be held to have commenced from the date of the expiry of the last vacation previous to such transfer.

## RULINGS.

(1) The restrictions on the combination of leave and vacation which were imposed by Article 278, Civil Service Regulations, are not perpetuated under the Fundamental Rules. Such combination is, however, under the latter rules, subject to the condition mentioned in Rule 82 (*d*), and it is thus permissible to allow a vacation to intervene between two periods of leave. Similarly, vacations may be prefixed or affixed to leave or both prefixed and affixed.

(G.I., F.D., letters No. F. 212, C.S.R., dated 7th November 1924, and No. 541-R-1/28, dated 24th February 1928.)

**Leave earned by Government servants of vacation departments on coming under the Fundamental Rules.**

(2) The reduction by one month for each year of duty in which the Government servant has availed himself of the vacation as required to be made under this rule is intended to be made, in respect of leave earned and vacation taken from 1st January 1922.

Thus, in the case of Government servants of vacation departments, the leave credtied to their leave account under Rule 77 will be—

(1) privilege leave at their credit on 1st January 1922, i.e., privilege leave earned under Article 272 or 275, Civil Service Regulations, *plus*

(2) one-eighth (or one-twelth) of the period spent on duty on vacation (or privilege leave) up to 31st December 1921, *plus*

(3) five-twenty-seconds (or two-elevenths) of the period spent on duty or vacation from 1st January 1922.

From this, a reduction will be made of one month for each year of duty in which the Government servant avails himself of the vacation after 1st January 1922. Similarly the total leave admissible under Rules 81 (*a*) and 81 (*b*) will be reduced by one month for each year of duty in which the vacation is taken after 1st January 1922.

**Calculation of leave on average pay to officers of vacation department**

(3) For an officer of the vacation department subject to the ordinary leave rules having no privilege leave at his credit, one month's leave on average pay accrues for every eleven months and one month is deducted for one year's (12 months) duty, a balance of 2-8/11 days' leave on average pay remains at credit for each year of duty including vacation.

This extra leave on average pay may be claimed and granted.

(Comp troller and Auditor-General's Letter No. 1068-A-402/23, dated 29th October 1923.)

**Reduction of leave in the leave account of Government servants of vacation departments.**

(4) The term "each year of duty" should be interpreted to mean not a calendar year in which duty is performed, but twelve months of actual duty. If the Government servant has enjoyed such vacation as falls within a period of twelve months beginning on the day on which he begins his duty on return from leave or otherwise, then one month should be deducted from his leave account. It does not matter whether the day, on which this year ends, falls in a vacation in the succeeding calendar year. The only question is whether the Government servant has enjoyed such vacation as fell within the period of one year as interpreted above.

If, to take an example, a Government servant before going on leave has not completed a full year of duty (including vacation) during the course of the second calendar year, then the fraction of one month which should be deducted from the leave account is the fraction which the period of duty, including vacation, bears to the whole year. If, to take a further complication, he has not enjoyed the whole of the vacation which fell during that period of less than a year, then the amount which should be deducted is the proportion of the period, which the proportion of vacation actually enjoyed bears to the whole period of vacation which fell within that period. Even in cases in which vacations did not intervene in the incomplete year of duty, a deduction of 1/12th should be made for the period for which 1/11th is credited. If subsequently it is found that the next vacation has not been enjoyed, the deduction already made should be suitably corrected.

In the case of Government servants who are allowed two vacations in the year instead of one, the periods of the two vacations should be regarded as combined into one.

(Comptroller and Auditor-General's Letter No. 170-A-109/32, dated 22nd July 1932 to the Accountant-General, Punjab, communicated with his Endt. No. 171-1-109/32. dated 2nd July 1932.)

### Leave in vacation departments.

(5) The amount credited to the leave account under this rule as well as that added to the maximum under Rule 81 (*a*) should be the actual amount of additional leave taken under this rule and not the total amount theoretically permissible, viz., one month for every two years of duty.

*Note.*—The credit of one month is for every completed two years of duty and no fractional credit for a period less than two years is permissible.

(To have effect from 13th May 1937.)

(G.I. F.D., letter No. F.7 (37), R.I./37, dated 13th May 1937.)

(6) It is not the intention that the privilege leave admissible in cases of urgent necessity under Article 271, Civil Service Regulations, should be carried into the leave account under the Fundamental Rules. Such privilege leave is not leave due though it may be granted under certain circumstances. When urgent necessity arises, Rule 82 (*c*) permits an increase of the leave on the credit side by one month for every two years of duty. In this manner, the period of duty rendered before the 1st January 1922 which would have counted for leave under Article 271, Civil Service Regulations, will likewise be reckoned as duty for the calculation of the leave permissible in cases of urgent necessity after the 1st January 1922.

(G.I. F.D., No. 448, C.S.R., dated 20th March 1923.)

(7) An officer of a vacation department may be granted the additional leave which is credited under Rule 82 (*c*) even though he has a debit balance in his leave account due to the fact that leave not due has not been liquidated as required by Rule 81 (*c*).

(G.I., F.D., letter No. F. 7 (37) R.I./37, dated 13th May 1937, received with endorsement of the same number and date.)

(8) The additional leave permitted under Rule 82 (*c*) may be on full average pay provided in the case of an officer subject to the ordinary leave rules it is supported by a medical certificate or spent out of India, Ceylon, Nepal, Aden, Burma or Pakistan Rule 82 (*c*) does not, however, increase the maximum period of leave prescribed by Rule 81 (*b*). Even, therefore, if leave under Rule 82 (*c*) is taken on average pay the sole result is to reduce the leave on average pay which can be taken on other occasions.

(C.C.A.'s letter No. 355-A-270/28, dated 14th December 1928, to A.G., C.P.)

### Maximum limit of leave combined with vacation counting as service for pension.

(9) A Government servant of a vacation department who combines vacation with leave on average pay can count as service for pension only a total period of four months on each occasion except in cases where the total amount of vacation taken is four months or more, in which case the full amount of vacation, and no leave, will count as service.

(G.I., F.D., letter No. F. 450 R-1/27, dated 6th December 1927.)

### Combination of leave with vacation.

(10) An officer of a vacation department can enjoy four months' leave on average pay followed by vacation only if the period of vacation is covered by medical certificate or is spent outside India, Ceylon, Nepal Burma, Aden or Pakistan.

(Comptroller and Auditor-General's letter No. 223-A-78/28, dated 4th July 1928.)

(11) The provision in Rule 82 (*d*) to reckon the period of vacation as leave does not apply, when vacation is combined with leave *other than leave on average pay*. There is, therefore, no objection to a Government servant taking only leave on half average pay in combination with periods of vacation exceeding four months in duration or sandwiching a period of leave on half average pay between two periods of vacation aggregating more than four months.

(Comptroller and Auditor-General's letter No. 47-A/255-34, dated 25th February 1935.)

(12) The limit of leave on average pay ordinarily admissible when it is combined with vacation by a Government servant of a vacation department subject to the ordinary leave rules will be either the credit in column 6 of the leave account *plus* the period of vacation or four months, whichever is less.

(Comptroller and Auditor-General's letter No. T. 824-A/199-31, dated 13th July 1932.)

**Police Department.**

(13) The officer working in Central Recruits Schools are not allowed any recess such as the Michælmas, the Christmas, etc., the duration of which exceeds fifteen days *at a time* during the school year.

**Medical officers treated as belonging to vacation department.**

(14) (i) The rule is not applicable to Medical Officers who are not solely employed in teaching. Such officers cannot, therefore, be permitted to take the school or college vacations. Any period of absence during the period should be treated as leave under the ordinary rules.

(G.O. Ms. 730, P.H., dated 10th May 1924.)

(ii) Lists of appointments (Medical) the holders of which are considered to be solely employed in teaching for purposes of vacation—

**Madras Medical College, Madras.**

*Anatomy Department.*

1 Professor of Anatomy.
1 Additional Professor of Anatomy. *
1 Lady Tutor in Anatomy.
4 Assistants to the Professor of Anatomy.
7 Medical Demonstrators in Anatomy.

*Hygiene Department.*

1 Professor of Hygiene.
2 Assistants to the Professor of Hygiene.
1 Laboratory Assistant in Hygiene.

*Pharmacology Department.*

1 Professor of Pharmacology.
1 Assistant to the Professor of Pharmacology.
1 Civil Assistant Surgeon, Class I.
1 Medical Demonstrator in Pharmacology.
1 Laboratory Assistant in Pharmacology.
1 Assistant to the Professor of Pharmacognosy.

*Physiology Department.*

1 Professor of Physiology.
1 Additional Professor of Physiology.
6 Assistants to the Professor of Physiology.
4 Medical Demonstrators in Physiology.

*Biology Department.*

1 Lecturer in Biology.
2 Non-Medical Demonstrators in Biology.

*Physics Department.*

1 Lecturer in Physics.
1 Non-Medical Demonstrator in Physics.

*Chemistry Department.*

2 Assistant Lecturers in Chemistry.
2 Non-Medical Demonstrators in Chemistry.

* The post will be abolished with effect from 1st April 1951.

*Pharmaceutical Department.*

1 Professor of Pharmaceutics.
1 Assistant to the Professor of Pharmaceutics.
1 Assistant Lecturer in Chemistry.
1 Physical Director.

**Stanley Medical College, Madras.**

*Anatomy Department.*

1 Professor of Anatomy.
3 Assistant Professors of Anatomy.
5 Demonstrators in Anatomy.

*Physiology Department.*

1 Professor of Physiology.
3 Assistant Professors of Physiology.
2 Demonstrators in Physiology.

*Hygiene Department.*

1 Professor of Hygiene.
1 Assistant Professor of Hygiene.
2 Demonstrators in Physiology.

*Pharmacology Department.*

1 Professor of Pharmacology.
1 Assistant Professor of Pharmacology.
1 Demonstrator in Pharmacology.
1 Pharmacist, Pharmacology Department.

*Organic Chemistry Department.*

1 Lecturer in Organic Chemistry.
2 Assistant Lecturers in Organic Chemistry.
1 Demonstrator in Organic Chemistry.
1 Physical Director.

**College and School of Indigenous Medicine, Madras**

I. MODERN MEDICINE SECTION.

*General Science Department.*

2 Tutors in General Science.

*Anatomy Department.*

1 Professor of Anatomy
1 Assistant Professor of Anatomy.
4 Tutors in Anatomy.

*Physiology Department.*

1 Professor of Physiology.
1 Assistant Professor of Physiology.
1 Tutor in Physiology.

*Medicine Department.*

1 Assistant Professor of Pharmacology.
1 Assistant Professor of Hygiene.

II. AYURVEDA SECTION.

*Fundamentals Department.*

1 Professor of Fundamentals.
2 Assistant Professors of Fundamentals.
1 Assistant Lecturer.
1 Sanskrit Pandit.

*Materia Medica Department.*

1 Professor of Materia Medica.
2 Assistant Professors of Materia Medica.
1 Assistant Lecturer in Materia Medica.
4 Tutors in Materia Medica.

### III. Siddha Section.

*Fundamentals Department.*

1 Professor.
1 Assistant Professor.
1 Assistant Lecturer.

*Materia Medica Department.*

1 Professor.
1 Assistant Professor.
2 Tutors.

### IV. Unani Section.

*Fundamentals and Materia Medica Departments*

1 Professor.
1 Assistant Professor.
2 Assistant Lecturers.
1 Tutor.

### V. Physical Education Section.

1 Physical Director.

## Andhra Medical College, Visakhapatnam.

*Anatomy Department.*

1 Professor of Anatomy.
2 Assistants to the Professor of Anatomy.
1 Demonstrator in Anatomy.

*Physiology Department.*

1 Professor of Physiology.
2 Assistants to the Professor of Physiology.
2 Demonstrators in Physiology.

*Pharmacology Department.*

1 Professor of Pharmacology.
1 Assistant to the Professor of Pharmacology.

*Hygiene Department.*

1 Professor of Hygiene.
1 Demonstrator in Hygiene.

*Biology Department.*

1 Lecturer in Biology.
1 Demonstrator in Biology.

*Chemistry Department.*

1 Lecturer in Chemistry.
2 Demonstrators in Chemistry.

*Physics Department.*

1 Lecturer in Physics.
1 Demonstrator in Physics.
1 Pharmacist.
1 Horse-keeper attached to the Women's Hostel.
1 Physical Director.

## Guntur Medical College, Guntur.

*Anatomy Department.*

1 Professor of Anatomy.
2 Tutors in Anatomy.
1 Medical Demonstrators in Anatomy.

*Physiology Department.*

1 Professor of Physiology.
2 Tutors in Physiology.
2 Medical Demonstrators in Physiology.

*Bio-Chemistry Department.*

| | |
|---|---|
| 1 Professor of Bio-Chemistry.<br>1 Tutor in Bio-Chemistry.<br>1 Non-Medical Assistant to the Professor of Bio-Chemistry. | Till the hospital work starts. |

*Chemistry Department.*

1 Lecturer in Chemistry.
1 Non-Medical Demonstrator in Chemistry.

*Physics Department.*

1 Lecturer in Physics.
1 Non-Medical Demonstrator in Physics.

*Biology Department.*

1 Lecturer in Biology.
1 Non-Medical Demonstrator in Biology.

(Director of Medical Services letter P. No. 159-E-1/50, dated 9th September 1950, to the Accountant-General, Madras, and Finance Memorandum No. 11596—C.S.R., dated 14th March 1952).

(15) If a Government servant of the vacation department does duties during vacation and is separately remunerated therefor, he should not be considered as having been deprived of vacation.

[G.I., Ind. and Lab. No. G. (M) 39, dated 17th November 1924, and G.O. Ms. No. 343, Finance, dated 26th November 1924.]

(16) The Lecturer in Engineering, Agricultural College, shall forego his vacation when the college is closed.

(G.O. Ms. No. 901, Development, dated 27th July 1933.)

(17) The entire technical staff serving at present in the Government Textile Institute, Madras, as well as those that may be added to the strength of the institute from time to time, with the exception of the Principal and the Textile Inspector, shall be treated as serving in a vacation department. The ministerial staff in the office of the Principal will as at present continue to have no vacation.

(G.O. Ms. No. 2080, Development, dated 14th September 1937.)

(18) For purposes of leave the law officers in the City, viz., the Advocate-General, the Government Pleader, the Public Prosecutor, the State Prosecutor and the Government Solicitor and the Administrator-General and Official Trustee and their establishments shall be treated as belonging to a non-vacation department.

(G.O. Ms. No. 1332, Home, dated 12th March 1938.)

(19) The office of the Sheriff of Madras shall be a vacation department.

(G.O. Ms. No. 5742, Home, dated 10th May 1943.)

**Transfers from vacation to non-vacation department and *vice versa* in the middle of a vacation.**

(20) When a Government servant is transferred from a vacation to a non-vacation department *in the middle of a vacation*, he should be treated as having been transferred to the non-vacation department from the close of the current vacation and a proportionate deduction made in his leave account in respect of that vacation by reason of his enjoying a part of it. Likewise when a Government servant is transferred from a non-vacation

to a vacation department in the middle of a vacation, service in the vacation department should be held to have commenced from the close of the previous vacation but a proportionate reduction only should be made in his leave account in respect of the current vacation which he could enjoy only in part due to his being on duty in the non-vacation department.

(A.G.'s orders, dated 18th December 1931.)

**Calculation of period of vacation.**

(21) In the case of a District Munsif, transferred during the recess from a court which took its vacation late to one which took it early, the deduction to be made under this rule should be based on the actual period of vacation enjoyed, excluding that part of six weeks' recess (six weeks being the period of the annual recess for District Munsif's Courts) which the District Munsif was precluded from enjoying by reason of his transfer. In making the calculation, the time actually spent in travelling from one station to the other and not the full joining time admissible under the rules, should be added to the period by which the recess actually enjoyed fell short of six weeks.

(G.I., F.D., No. P. 3130, dated 22nd July 1897, and G.O. No. 1199, Judicial, dated 20th August 1897.)

*Note.*—The above calculation should not, however, be adopted when an officer is transferred to another court on the expiry of leave to which vacation has been affixed. In such cases, no concession is admissible.

(A.G.'s decision, dated 3rd December 1930.)

**Vacation in the course of leave.**

(22) When vacation occurs in the course of leave and is then debited to the leave account of a Government servant in a vacation department, a reduction under Rule 82 (*b*) should not be made in respect of such a vacation.

(G.O. No. 623-F, dated 3rd August 1926.)

(23) A vacation or part of a vacation included in a period of maternity leave should be treated as vacation taken.

(G.O. Ms. No. 676, Finance, dated 18th July 1927.)

**83.** (1) Subject to the conditions hereinafter specified a local Government may grant special disability leave to a Government servant who is disabled by injury intentionally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with the due promptitude in bringing it to notice. But the Governor-General in Council, if he is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by a Medical Board to be necessary. It shall not be extended except on the certificate of a Medical Board and shall in no case exceed 24 months.

*Note.*—In the case of non-gazetted Government servants of the Police including the Fire Service Branch, Excise and Prohibition Departments, a certificate of a Civil Surgeon shall be sufficient if the period of leave recommended does not exceed *two months.*

(4) Such leave may be combined with leave of any other kind.

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Such leave shall be counted as duty in calculating service for pension, and shall not, except as provided in Rule 78 (*b*), be debited against the leave account.

(7) Leave salary during such leave shall be equal—

(*a*) for the first four months of any period of such leave, including a period of such leave granted under clause (5) of this rule, to average pay, and

(*b*) for the remaining period of any such leave to half average pay, or at the Government servant's option, for a period not exceeding the period of average pay which would otherwise be admissible to him, to average pay:

Provided that the maxima specified in the table in sub-rule (2) of Rule 89 shall notwithstanding anything contained in that rule apply to the whole period of such leave and the minima specified in the table in Rule 90 shall apply when leave salary during such leave is equal to half average pay, subject to the conditions stated in that rule and in the notes thereunder.

(8) In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave salary payable under this rule shall, with effect from the 1st July 1924, be reduced by the amount of compensation payable under section 4 (1) (*d*) of the said Act.

(9) The provisions of this rule apply to a civil servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service, and to a civil servant not so discharged who suffers a disability which is certified by a Medical Board to be directly attributable to his service with a military force; but, in either case, any period of leave granted to such a person under military rules in respect of his disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

**RULING.**

**Intention of special disability leave.**

The intention of the rule is not that special disability leave should be given to cover any portion of an officer's military service but that it should be admissible only after the officer's discharge as unfit for further military service.

(G.I., F.D., No. F. 21-11, C.S.R./24, dated 30th July 1924.)

**83-A.** The Governor-General in Council may extend the application of the provisions of Rule 83 to a Government servant who is disabled by injury, accidentally incurred in or in consequence of the due performance of his official duty or in consequence of his official position, or by illness incurred in the performance of any particular

duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions—

(i) that the disability, if due to disease, must be certified by a Medical Board to be directly due to the performance of the particular duty;

(ii) that, if the Government servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the Governor-General in Council, so exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave; and

(iii) that the period of absence recommended by the Medical Board may be covered in part by leave under this rule and in part by other leave and that the amount of special disability leave granted on average pay may be less than four months.

**83-B.** (1) A Government servant who has been granted special disability leave under Rule 83, and whose domicile is elsewhere than in Asia, may be granted by the authority which sanctioned the special disability leave, free passage by sea for himself, his wife and children, to the United Kingdom, or to any port in Europe or in a British colony, dominion or possession, and on the conclusion of such leave return passage to India, unless he takes leave other than leave on medical certificate in continuation of special disability leave, in which case return passage shall not be granted save with the special sanction of the Secretary of State in Council provided that the cost of any passages granted under this rule shall not exceed the cost of passages between India and the United Kingdom.

(2) Passages granted under this rule may include travel by land between port of embarkation and port of debarkation, and shall be of such class as the sanctioning authority in each case may determine.

(3) The Governor-General in Council may extend the application of the provisions of clauses (1) and (2) to a Government servant who has been granted special disability leave under Rule 83-A, and whose domicile is elsewhere than in Asia provided that he may, at his discretion, grant free passages to the Government servant only, or to the Government servant and his wife only.

(4) For the purpose of this rule—

(i) the domicile of a Government servant is his domicile at the time of his appointment to Government service as determined in accordance with the provisions of clause (2) (*a*) of Rule 75 and of Rules 75-A, B and C;

(ii) "child" means a legitimate child (including a step-child) residing with and wholly dependent on the Government servant, who, if a female, is unmarried, or, if a male, is under the age of 16.

84. Leave may be granted to Government servants, on such terms as the Secretary of State in Council may by general order prescribe, to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

*Note* 1.—The Secretary of State in Council is pleased to prescribe the rules given in the annexure below to regulate the grant of leave to officers for the study of scientific, technical and similar problems, or in order to undertake special courses of instruction.

## ANNEXURE.

*Rules for the grant of additional leave to Government servants for the study of scientific, technical or similar problems, or in order to undertake special courses of instruction.*

The following rules relate to study leave only. They are not intended to meet the case of Government servants deputed to other countries at the instance of Government either for the performance of special duties imposed on them or for the investigation of specific problems connected with their technical duties. Such cases will continue to be dealt with on their merits under the provisions of Rules 50 and 51 of the Fundamental Rules. The rules apply to the Archæological Department, the Public Health and Medical Research Departments, the Botanical Survey (including the officers of the Royal Botanic Garden, Calcutta), the Civil Veterinary Department, the Factory Department, the Geological Survey, the Agricultural Department, the Meteorological Department, the Railway Department (Traffic, Locomotive and Engineering Branches), the Telegraph (including the Wireless) Branch of the Indian Posts and Telegraphs Department, the Zoological Survey, the Education Department, the Public Works Department and the Forest Department (except in respect of continental tours, to which special rules apply). The rules also apply to officers of the Indian Civil Service (irrespective of the source of recruitment), *or of the Judicial Branch of the State Civil Service*, who have been admitted to the rules for the assistance of officers on leave in the United Kingdom who wish to prosecute their legal studies at one of the Inns of Court, London, or the King's Inns, Dublin, both during the period when they are reading for the examinations prescribed for a call to the English or the Irish Bar, and also during the period when they are reading in the Chambers of a practising barrister in England, but in their case study leave should not ordinarily be granted after the twelfth year of service. The rules may be extended by the authorities empowered to sanction study leave under rule 1 to any Government servant, including a Government servant of a State Service, not belonging to any of the departments mentioned above, in whose case the sanctioning authority is of opinion that leave should be granted in the public interests to pursue a special course of study or investigation of a scientific or technical nature.

*Note.*—The extension of these rules to the Public Works and Railway Departments does not affect the existing rules under which Government servants are allowed to visit engineering works when on leave in Great Britain.

1. The powers granted by these rules to the Government of India or to local Government may be delegated by them to the High Commissioner for India, subject to any condition they may think fit to impose.

1-A. Extra leave on half average pay for the purpose of study leave may be taken either in or outside India. It may be granted to a Government servant of any of the departments named above by the local Government or Chief Commissioner under whom he is serving, provided that when a Government servant borne permanently on the cadre of one State or department is serving temporarily in another State or department the grant of leave is subject to the conditions (*a*) that the sanctioning authority can make local arrangements to carry on his work in his absence, and

(b) that the sanction of the State or department to which he is permanently attached is obtained before leave is given. Study leave should not ordinarily be granted to Government servants of less than five years' service or to Government servants within three years of the date at which they have the option of retiring, or if they have the option of retiring after 20 years' service, within three years of the date at which they will complete 25 years' service. Nor should it be granted to Government servants who are about to retire on proportionate pension.

*Note.*—Departments of the Government of India may grant study leave to Government servants under their administrative control, subject to the restrictions which apply to the powers of a local Government.

2. The grant of study leave should be made with due regard to the exigencies of the public service. In no case should the grant of this leave, in combination with leave other than extraordinary leave or leave on medical certificate, involve an absence of over 28 months from a Government servant's regular duties, or exceed two years in the whole period of a Government servant's service; nor should it be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave. A period of 12 months at one time should ordinarily be regarded as suitable maximum, and should not be exceeded save for exceptional reasons.

2-A. In the case of an officer who has been admitted to the benefits of the rules for the assistance of officers on leave in the United Kingdom who wish to prosecute their legal studies at one of the Inns of Court, London, or the King's Inns, Dublin, study leave for a period of six months may be granted for the purposes of studying for the examinations prescribed for a call to the Bar on a programme approved by the High Commissioner, and of reading in the chambers of a practising barrister.

Such reading, however, will be optional during this period. Study leave for a further period not exceeding twelve months may be granted after the Part I of the Bar examinations has been passed, for the purpose of reading in the chambers of a practising barrister, and for completing the Bar examination. The officer will be entitled to draw study allowance under rule 10 for periods not exceeding eighteen months in the aggregate, but these periods need not coincide with the periods for which he has been granted study leave.

3. *Deleted.*

4. When a Government servant has been granted a definite period of study leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent, his absence from duty should be reduced by the excess period of study leave unless he produces the assent of the sanctioning authority in India to his taking it as ordinary leave.

5. Except as provided in rule 6, all applications for study leave should be submitted with the audit officer's certificate to the Head of the Department through the prescribed channel, and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein.

If the course of study is in Europe or America, the Head of the Department should also forward to the Secretary to the High Commissioner for India, General Department, a copy of the approved programme of study. If it is not possible for the Government servant to give full details, as above, in his original application or if, after leaving India, he wishes to make any changes in the programme which has been approved in India, he should submit particulars as soon as possible to the Secretary to the High Commissioner for India, General Department In such cases, he should not, unless prepared to do so at his own risk, commence the course of study, nor incur any expenses in connexion therewith, until he receives approval to the course through the High Commissioner.

6. Government servants on leave in Europe or America who wish to convert part of the leave into study leave or to undertake a course of study during leave, should, before commencing study and before incurring any expenses in connexion therewith, submit a programme of their proposed course of study to the Secretary to the High Commissioner for

India, General Department. The programme should be accompanied by an official syllabus of the course, if one is available, and by any documentary evidence that the particular course or examination has the approval of the authorities in India. In the absence of such evidence the programme may, if approved by the High Commissioner, be proceeded with, but no study leave allowance will be admissible until the concurrence of the authority concerned in India is received.

Similarly Government servants on leave in the United Kingdom who desire to have it extended for the purpose of study under these rules, should address the Secretary to the High Commissioner for India, but in addition to furnishing a statement of the proposed study they must support their applications with documentary evidence of their having obtained the approval of the authorities concerned in India to their applying for an extension of leave. They must also produce documentary evidence of the concurrence of the authority concerned in India to the grant of study leave and/or study allowance.

6-A. No course of study will be recognized as qualifying for the grant of study allowance, or for study leave for any other purpose, unless it has been approved in at least broad outline by the sanctioning authority in India in accordance with rules 5 and 6 above, and unless, in cases where it has not been found possible to submit full particulars to the authorities in India, it has been approved in detail by the High Commissioner before it is begun.

7. A study allowance will be granted for the period spent in prosecuting a definite course of study at a recognized institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study. The rates as at present fixed are 16 *s* a day in the United Kingdom, 1£ a day on the continent of Europe, and 30 *s* a day in the United States of America. These rates are liable to revision. The rate to be granted to Government servants who take study leave in other countries, including India, will be specially considered by the Government of India or the State Government in each case. In no case will subsistence allowance be granted in addition to study allowance and ordinarily travelling expenses will not be paid, but in exceptional cases claims will be considered on their merits by the Government of India or the local Government.

8. Study allowance will be admissible up to 14 days for any period of vacation. A period during which a Government servant interrupts his course for his own convenience cannot be considered as vacation. Study allowance may be given at the discretion of the Government of India or a local Government for any period up to fourteen days at one time during which the officer is prevented by sickness duly certified by a medical practitioner from pursuing the sanctioned course of study. In the case of a Government servant retiring from the service without returning to duty after a period of study leave the study allowance will be forfeited. If the Government servant is under civil leave rules the study leave will be converted into ordinary leave to the extent of the ordinary leave standing to his credit at the date of retirement. Any balance of the period of the study leave mentioned above which cannot be so converted will be excluded in reckoning service for pension.

9. Government servants granted study leave are ordinarily required to meet the cost of fees paid for course of study. In exceptional cases the Government of India or the local Government will be prepared to consider proposals that such fees should be paid by Government.

10. On completion of a course of study a certificate on the proper form (which may be obtained from the High Commissioner), together with certificates of examinations passed or of special study, shall, when the study leave has been taken in Europe or America, be forwarded to the High Commissioner. When the study leave has been taken in any other country certificates of examinations passed or of special study, which should show the dates of commencement and termination of the course, with any remarks by the instructor, shall be forwarded to the authority which sanctioned the leave. In the case of definite course of study at a recognized institution the study allowance will be payable by the High Commissioner or in India, as the case may be, on claims submitted by the

Government servant from time to time, supported by proper certificates of attendance. When the programme of study approved under rule 5 does not include or does not consist entirely of such a course of study, the Government servant shall submit to the High Commissioner or to the authority in India which sanctioned his leave, as the case may be, a diary showing how his time has been spent, and the report indicating fully the nature of the methods and operations which have been studied and including suggestions as to the possibilities of applying such methods or operations to India. The sanctioning authority in India will decide whether the diary and report show that the time of the Government servant has been properly employed, and will determine accordingly for what period the study allowance referred to in rule 7 may be granted.

11. Study leave will count as service for promotion and pension but not for leave. It will not affect any leave which may already be due to a Government servant; it will count as extra leave on half average pay and will not be taken into account in reckoning the aggregate amount of leave on half average pay taken by the Government servant towards the maximum period admissible under the Fundamental Rules.

*Note*—The Secretary of State has decided that study leave as well as the special leave granted to officers in civil employ appointed to the Commonwealth Fund Service Fellowships for the period of their absence from duty in India should not be taken into account in calculating service for proportionate pension.

12. During study leave a Government servant will draw half average pay as defined in Rule 9 (2) of the Fundamental Rules, subject to the maxima and minima laid down in Rules 89 and 90 *ibid*. The rate of exchange prescribed by the Secretary of State-in-Council for the conversion of leave salary (other than that admissible during the first four months of a period of leave on average pay) shall apply to study leave allowances. A Government servant may, subject to the approval of the proper authorities being obtained as required by rule 5 or 6, undertake or commence a course of study during leave on average pay, and subject to paragraphs 7 and 8, draw study allowance in respect thereof, provided that study allowance is not drawn for an aggregate period exceeding two years (18 months in the case of officers falling under rule 2-A), during the whole of Government servant's service. This rule applies to military officers in civil employment taking leave under the Fundamental Rules.

*Note*—A Government servant governed by the Madras Leave Rules, 1933, shall not be eligible for the benefit of the minimum leave salary prescribed in rule 90 of the Fundamental Rules. He will draw during study leave half-pay subject to the limits prescribed in the Madras Leave Rules, 1933.

**(G.O. Ms. No. 645, Finance, dated 2nd June 1951.)**

13. On an application for study leave in Europe or America being sanctioned by a local Government, it should inform the High Commissioner of the particulars of the case. When such leave is sanctioned by a Chief Commissioner, a report should be made to the Government of India, who will inform the High Commissioner. It will be necessary for the Government servant concerned to place himself in communication with the High Commissioner, who will arrange any details and issue any letters of introduction that may be required. In all cases in which study leave in any other country is sanctioned the particulars should be reported to the Government of India.

*Note* 2.—The Secretary of State has also decided that extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed in rule 2 of the Study Leave Rules.

*Note* 3.—(*a*) *Secretary of State's orders regarding Commonwealth Fund Service Fellowships and Rockefeller Foundation Fellowships.*—(i) The Secretary of State for India has decided that civilian officers, including Indian Medical Service Officers in civil employ, appointed to the Commonwealth Fund Service Fellowships should be granted for the period of absence from duty in India special leave on half average pay which should be treated as analogous to study leave, that is, it will count as service for promotion and pension but not for proportionate pension and will not be debited against the officer's leave account.

The Government of India have directed that, in future, whenever a civilian officer, including officers of the Indian Medical Service in civil employ, is appointed to a Commonwealth Fund Service Fellowship, he should be told that, as the fund grants a " travel allowance " for journeys to and from America, he should in no case draw upon his passage account for the cost of those journeys. These orders do not apply to the passage account of the officer's family.

[Government of India's (Department of Education, Health and Lands) Letter No. 876-G., dated 11th June 1929; G.Os. No. 767, Public, dated 19th July 1929; No. 35, Public (Services), dated 10th January 1934.]

(ii) Officers in Government service holding Rockefeller Foundation Fellowship should be granted the following terms :—

(1) Pay that the scholars would have drawn had they remained on duty in India, subject to usual restrictions in hard currency areas. In case family allowance is granted by the Rockefeller Foundation, pay will not be admissible.

(2) No compensatory allowance will be admissible.

(3) Period of absence will be treated as duty and not as leave except in the case of those who are granted family allowance. In such cases the period of absence should be treated as extraordinary leave and as required under Fundamental Rule 85 the consent of the scholar should be obtained in writing before such leave is granted.

(4) The stipend, travel expenses and other allowances granted by the Rockefeller Foundation other than the family allowance, will be admissible.

(b) In the case of officers belonging to the State and Subordinate Service and holders of special posts selected for the Commonwealth Fund Service Fellowships, the period of absence from duty will be treated as leave. They will not be eligible for any compensatory allowance while holding the Fellowships.

(G.Os. No. 1157, Finance, dated 15th September 1952, and No. 68, Finance, dated 16th January 1953.)

## RULINGS.

### Eligibility of non-gazetted Government servants to Study Leave Rules.

(1) The Study Leave Rules are not ordinarily applicable to non-gazetted Government servants. Any proposals for the grant of study leave to the non-gazetted Government servants under the respective control of the Union and State Governments should be sent to them for consideration only in very exceptional circumstances.

(G.O. Ms. No. 593, Finance, dated 13th July 1925.)

### Delegation of powers to the High Commissioner.

(2) Under rule 1 of the Study Leave Rules the Government of India and the State Government have delegated to the High Commissioner the same powers as those possessed by him prior to the amendment published in Government of India, Finance Department, Resolution No. 3-11 C.S.R./26, dated the 18th January 1926, and subject to the same conditions as detailed in paragraph 3 below.

(G.I., F.D., letter to the High Commissioner, No. 154 C.S.R. 26, dated 31st August 1926, and the State Government's letter to the High Commissioner, No.26624-1-C.S.R., dated 23rd September 1926).

The Government of India and the State Government have delegated to the High Commissioner their powers under rule 8 and published in Government of India, Finance Department, Resolution No. F. 12-R/128, dated the 26th April 1928, regarding the grant of study allowance during sickness up to a limit of 14 days at one time.

(G.I., F.D., No. F. 12-R.1.28, dated 25th July 1928, to the Secretary to the High Commissioner for India.)

### Application for grant of concessions allowed by Study Leave Rules.

(3) The High Commissioner for India has been permitted to exercise discretion in dealing with application from Government servants prosecuting courses of study or tours of inspection for the grant of concessions under the Study Leave Rules particularly as regards travelling expenses (rule 7) and fees (rule 9), etc.

In order to enable him to deal with such applications, the reports from India under rule 13 of the Study Leave Rules and the documentary evidence furnished to officers under rule 6 conveying concurrence to the course of study should specially state whether the Government of India or the State Government concerned are prepared to meet the cost of travelling expenses or tuition fees, should the High Commissioner consider their grant desirable. A report under rule 13 is not necessary in cases where Government servants are on leave out of India and wish to convert part of their leave into study leave or to extend their leave for study but the information will be given in the documentary evidence furnished to the Government servant under rule 6. In the absence of this information, the High Commissioner will have to consult the State Government before exercising discretion.

**The limit of two years of absence includes the period of vacation, if any.**

(4) The limit of 28 months of absence from an officer's regular duties prescribed in this rule includes the period of vacation, if any, with which study leave and other leave may be combined.

(5) Study leave is not " active service " within the meaning of Article 8, Civil Service Regulations, and it cannot count for proportionate pension under the premature retirement rules.

(Comptroller and Auditor-General's Letter No. 59-A/184/34, dated 15th March 1935.)

(6) Though the special leave referred to in Note 3 to Rule 84 is not debited to the leave account, it should be reckoned as ordinary leave for purposes of the restrictions laid down in Rules 81 (*d*) and 88.

[Letter No. S. & J. 4892/32, dated 19th October 1932, from the India Office to the G.I., H D., communicated with G.I., F.D., Memo. No. F. 12 (68)-R. I/32, dated 23rd November 1932.]

**Study allowance for the period of private work during study leave.**

(7) The Government of India and the State Government have agreed to the grant of study allowance to officers for the period during study leave devoted to the collating and elaborating in the form of readable report of the notes made and literature collected during their tour of inspection.

In the case of an officer granted study leave with the object of taking a definite course of study or preparing for a specific examination, attendance at an institution or supervision by a responsible authority is the normal procedure. The Study Leave Rules should be more strictly adhered to in this case and private work at home is not therefore accepted for purposes of study leave.

(G.O. Ms. No. 887, Finance, dated 19th December 1929.)

(8) A Government servant of a vacation department can draw study allowance during vacation if he prosecutes his studies during the period. The period of such vacation will be taken into account in calculating the maximum period of two years for which study allowance is admissible.

[Paragraph 22 (ii), Chapter X, section I of Manual of Audit Instructions (Reprint).]

(9) Study leave may be granted to an officer of less than five years' service at the discretion of the authority competent to grant the leave.

[Ruling (33), section IV, of Compilation of Audit Rulings.]

**85.** (*a*) Extraordinary leave may be granted in special circumstances (1) when no other leave is by rule admissible, or, (2) when, other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave. Such leave is not debited against the leave account. No leave salary is admissible during such leave.

(*b*) The authority which has the power to sanction leave may grant extraordinary leave as in clause (*a*) in combination with, or in continuation of, any leave that is admissible, and may commute retrospectively periods of absence without leave into extraordinary leave.

(*c*) When extraordinary leave is granted to a military commissioned officer subject to these rules, he will continue to be treated as in civil employ for all purposes, until he is placed on military temporary non-effective pay by the order of a medical board. If, after being placed on military temporary non-effective pay, he returns to duty in India, he will have no claim to reinstatement in civil employ.

## RULINGS.

### Extraordinary leave with pay granted under Civil Service Regulations.

(1) Extraordinary leave without pay granted under the rules of the Civil Service Regulations will not be debited against the leave account under Note (2) to Rule 78.

(2) " Leave not due " applied for by a Government servant with or without medical certificate is " leave admissible under rule ". Therefore where " leave not due " can be granted, the grant of extraordinary leave under this rule will be irregular unless the latter kind of leave is specifically applied for in writing.

(Comptroller and Auditor-General's Letter No. 169-A/164/33, dated 4th November 1933.)

### Limit of extraordinary leave.

(3) Extraordinary leave under Rule 85 may be granted either by itself or in combination with, or in continuation of other leave subject only to the provision in Rule 18. The maximum laid down in Rule 81 (*d*) does not apply in the case of extraordinary leave.

(Comptroller and Auditor-General's Letter No. 1115-A/433/23, dated 7th November 1925.)

### Casual leave.

(4) The rules regarding the grant of casual leave to Government servants under the administrative control of the State Government are printed as Annexure VII.

(5) The power of commutation under the last two lines of clause (*b*) of this rule is an absolute one; the words " as in clause (*a*) " used in line (2) cannot be taken to qualify the latter part of the rule. In other words, the condition mentioned in Rule 85 (*a*), viz. " when no other leave is by rule admissible " does not apply to the commutation retrospectively of absence without leave into leave without allowances either under Article 421, Civil Service Regulations or Rule 85 (*b*).

(Comptroller and Auditor-General's Letter No. 63-A/17/35, dated 22nd March 1935, and G.O. No. 255, Finance, dated 12th April 1935.)

**86.** (*a*) Leave at the credit of a Government servant in his leave account shall lapse on the date of compulsory retirement provided that if in sufficient time before that date he has—

(1) formally applied for leave due as preparatory to retirement and been refused it, or

(2) ascertained in writing from the sanctioning authority that such leave if applied for would not be granted—

in either case the ground of refusal being the requirements of the public service, then the Government servant may be granted, after the date of retirement, the amount of leave so refused subject to a maximum of six months.

*Note.*—Leave which is not preparatory to retirement and which is refused by the competent authority in the interest of public service will not entitle an officer to the protection of Rule 86, after the date of superannuation.

(*b*) A Government servant retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of 1/11th of duty performed after that date and shall be allowed to add thereto any amount of leave which would have been granted to him under clause (*a*) had he retired on that day. The total period which he may take on each occasion shall not exceed six

months. When his duties finally cease, the Government servant may be granted leave preparatory to retirement, up to a maximum of six months, as follows :—

(i) the balance, after deducting the amounts of leave, if any, taken during the period of extension, from the amount of leave which could have been granted to him under clause (*a*) had he retired on the date of compulsory retirement, *plus*

(ii) the amount of leave earned under this clause which is due to the Government servant and which he has, in sufficient time during the period of extension—

(1) formally applied for as preparatory to final cessation his duties and been refused, or

(2) ascertained in writing from the sanctioning authority that such leave would not be granted if applied for,

in either case the ground of refusal being the requirements of the public service.

*Note.*—A formal extension of service under Rule 56 is not a necessary preliminary to the grant of leave under Rule 86 to an officer who has attained the age of 55 as the grant of leave under the latter rule automatically carries with it the extension required (Government of India, Finance Department, Letter No. 520-C.S.R., dated 31st May 1922, in G.O. No. 573, Finance, dated 3rd July 1922).

(*c*) *Deleted.*

*Instructions under Rule* 86.

1. *All leave under Rule* BP *shall be granted only by Government.*

2. *When a Government servant is permitted to avail himself of the period of leave refused within the meaning of Rule* 86, *either during re-employment or on the termination of re-employment, the leave taken during the period of re-employment shall be debited first against the credit of leave earned during that period, until it is exhausted, and then against any credit of leave refused under Rule* 86 (*a*) *and carried forward under Rule* 86 (*c*).

**RULINGS.**

**Application of the rule.**

(1) This rule simply limits the *amount* of leave that may be granted to Government servants who have reached or are about to reach the date on which they are required to retire. The kind of leave and the leave salary are determined not by this rule but by the general rules in Rules 81 and 87. The proviso to Rule 81 (*b*) (ii) should therefore be held to apply in cases of leave granted under Rule 86.

The Government of India have ruled that the limit of six months laid down in Rule 86 (*b*) should be held to include periods of vacation prefixed or affixed to leave.

This ruling of the Government of India will be applicable to the officers under the rule-making control of the State Government also.

(Finance Memo. No. 29025, C.S.R.-3, dated 13th December 1935.)

(2) A Government servant retained in service after the age of compulsory retirement is entitled to earn leave under clause (*b*) of Rule 86 and a debit balance, if any, on the date he attained that age should be considered as wiped off.

(G.I., F.D., No. F. 12 (31)/R.I./32, dated 30th May 1932.)

(3) Compulsory recall of an officer from leave preparatory to retirement should be deemed to be a constructive refusal of the balance of leave unenjoyed for purposes of Rule 86.

[G.I., F.D., Letter No. F. (12) R.I./41, dated the 10th March 1941, and G.O. No. 106, Finance dated 4th April 1941.]

(4) While the amount of the leave refused under Rule 86 (*a*) is fixed, the quality of that leave (i.e., on average or half average pay) whether it is taken before or after the date of compulsory retirement or after the date of final cessation of duties may be varied within the normal leave rules to the advantage of the Government servant concerned in accordance with the leave *earned* and standing to his credit on the date on which he proceeds on leave prior to the date of compulsory retirement whenever he takes a portion of his refused leave before that date and ultimately on the date of his compulsory retirement, and no second application for leave in sufficient time and its refusal are necessary merely to ensure this variation. Similarly, the character of any period of leave on average pay admissible under Rule 86 (*a*), original or so modified, may, if the Government servant so desires, be converted within the quantum admissible into a portion on average and the balance on half average pay. No such conversion however is admissible in respect of the leave on average pay (not in terms of average pay) earned under clause (*b*) of this rule.

Instructions contained in the Government of India letter will apply also to the Government servants under the administrative control of this Government.

G.O. Ms. No. 417, Finance, dated 26th April 1943. (Comptroller and Auditor-General's Endt. No. 422-A.241/43, dated 18th October 1945 and Government of India, Finance Department Letter No. F7 (10)-R.I.'43, dated 29th March 1943, to all Chief Commissioners.]

(5) Leave sanctioned preparatory to retirement but which could not be enjoyed due to the exigencies of public service may be treated as a contructive refusal of leave for purposes of Rule 86.

(Memo. No. 3879-E/45-2, Revenue, dated 28th November 1945.)

(6) When a Government servant who has proceeded on leave preparatory to retirement is required for employment during such leave in any post under the Government, he will be recalled to duty and the unexpired portion of his leave from the date of rejoining duty will be cancelled. The leave so cancelled will be treated as leave refused under Fundamental Rule 86, and it may be granted from the date of compulsory retirement of the Government servant. Such recall will be treated as 'optional' for the purposes of Fundamental Rule 70.

(G.O. No. 882, Finance, dated 19th July 1952.)

### Grant of leave to an officer of Indian Civil Service beyond date of compulsory retirement.

(7) An Indian Civil Service Officer may be granted leave for six months beyond the date of his compulsory retirement as laid down under Rule 56 (*b*) (i).

(Comptroller and Auditor-General's D.O. No. 543-A/302-25, dated 18th September 1925.)

### Leave to High Court Judges after the age of 60.

(8) Leave under Rule 86 is not admissible to a High Court Judge after he has vacated his office, as such grant of leave after his attainment of 60 years of age would involve the grant of an extension of service as a High Court Judge. The Government of India can extend the service of a High Court Judge only when such an extension of service is in the public interest. It cannot be said to be in the public interest to sanction an extension of service beyond the age of 60 years merely in order to allow an officer to take leave.

(Comptroller and Auditor-General's Endt. No. 317–A/56–25, dated 5th May 1925.)

(9) Leave to High Court Judges who are members of the Indian Civil Service is not admissible after they have attained the age of 60 years and that the conditions of service of such High Court Judges are finally governed by the rules framed under section 104 of the Government of India Act, except in the matter of amount of pension to which they are entitled on retirement.

(G.I.,F.D., No. F.319-IV-R.-C.S.R.-26, dated 17th June 1926.)

**Leave to Last Grade Servants.**

(10) Rule 86 does not apply to last grade servants for the reason that there is no date on which they must compulsorily retire.

(Comptroller and Auditor-General's letter No. 173-T, Accounts, dated the 27th May 1921.)

(11) Rule 86 does not apply to Assistant Surgeons of the Indian Medical Department in civil employ.

[G.I., Education, Health and Lands, No. 1796-H., dated 12th October 1931, recorded in G.O. Ms. No. 2067, P.H. (L.S.G.), dated 30th October 1931.]

(12) Leave taken during the period of extension should be debited first against the credit of leave earned during such extension, until it is exhausted, and then against any credit of leave refused under Rule 86 (*a*) and carried forward under Rule 86 (*b*).

(Comptroller and Auditor-General's letter No. 405 A./259-40, dated 29th November 1940.)

(13) The rule in Note 3 to Rule 56 does not require that the authority sanctioning leave under Rule 86 should necessarily be competent to sanction an extension of service also.

(Comptroller and Auditor-General's No. 898-A/K.W. 79/22, dated 15th August 1923.)

(14) The permission given by Rule 86 for an officer being granted leave for not more than six months beyond the age at which he must cumpulsorily retire, also carries with it the permission for the officer to retain a lien on his post. As the officer does not continue on duty but merely draws a leave salary by virtue of a privilege extended to him, no formal extension of service is necessary. He retains a lien on his post and as such the post cannot be substantively filled till he actually retires from the service.

(Comptroller and Auditor-General's U.O. No. 166-Code-I, Ref. 22, dated 18th May 1923.)

(15) A Europe Leave Salary Certificate should contain full perticulars of the various kinds of leave that can be granted to a Government servant on leave out of India. The amount of leave admissible to a Government servant under Rule 86 should consequently be entered therein without regard to the question of sanction which will be settled by the competent authority in England in consultation with the authorities in India, if necessary.

(Comptroller and Auditor-General's letter No. T. 576-A/393/23, dated 1st August 1923.)

(16) Rule 86 (*b*) as amended by Government of India, Finance Department, Notification No. F. 7 (66)-R.I./40, dated the 17th October 1940, necessitates a change in the existing method of maintaining the leave account during the period of extended service. Under the old Rule 86 (*b*), the leave admissible to a Government servant who was retained in service after the date of compulsory retirement, whether during the period of extended service or on the expiry of it, was granted against the total credit of leave due and not separately against the leave refused under clause (*a*) of the rule and carried over, and the leave earned under clause (*b*) during the period of extension. Under the amended rule it will, however, be necessary to exhibit in the leave account the two component parts of the total credit as distinct and separate items and to grant leave against the balance of either the one or the other of the two categories of leave. As it would be advantageous to the Government servant to consume first the leave earned during the period of the extended service and then the leave carried forward which would be free from the restriction of 'application in sufficient time', it has been decided with the concurrence of the Government of India that the leave taken during the period of extension should be debited first against the credit of leave earned during that period, until it is exhausted, and then against any credit of leave refused under Rule 86 (*a*) and carried forward under Rule 86 (*b*).

(Comptroller and Auditor-General's letter No. 405-A/259/40, dated 29th November 1940.)

(17) The leave earned by the period of duty intervening between the refusal of leave pending retirement and the date of compulsory retirement is merged in the common pool in the leave account and forms an indistinguishable part of the total leave at credit the whole of which, with the

exception only of the net amount of leave refused, lapses under clause (*a*) of Rule 86 on the date of compulsory retirement. The grant of any leave between the date from which the "refusal of leave" took effect and the date of superannuation should, therefore, be held to be a grant of leave against the amount originally refused. The amount of leave admissible under clause (*a*) after superannuation in such a case is, therefore, the amount of leave originally refused *minus* the amount of the "post-refusal" leave enjoyed; and this difference is subject to a maximum of six months. This principle applies equally to leave available under clause (*b*), including that earned in respect of duty during a period of refused leave.

[Paragraph 24 (vi), Chapter X, Section I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 64, dated the 1st August 1941.]

(18) Mr. X who was due to retire on superannuation pension on 16th September 1947, applied for leave on average pay for four months from 10th February 1947 which was refused by Government in the exigencies of public service. He again applied for three months and six days' leave from 10th June 1947 which was again refused by Government except for fifteen days. The officer again applied for the leave from 16th September 1947. The question arose whether he should be given leave on 16th September 1947—

(1) the amount of refused leave for three months and six days less fifteen days, or

(2) the accumulated refused leave of four months, and three months and six days subject to a maximum of six months, or

(3) the longest of the two periods of refused leave, viz., four months.

The Comptroller and Auditor-General decided that the officer can be granted after the age of superannuation only the leave preparatory to retirement that was refused, viz., three months and six days less fifteen days availed of. The four months' leave on average pay applied for by him was not preparatory to retirement and hence its refusal by Government in the interest of public service does not entitle him to the protection of Rule 86 after the date of superannuation.

(Comptroller and Auditor-General's U.O. No. 454-A/161/47, dated 2nd December 1947.)

## Section V.—Leave Salary.

**87.** Subject to the conditions in Rules 81, 88, 89, 90 and 91 a Government servant on leave shall, during leave, draw leave-salary as follows :—

(*a*) If the leave is due, leave-salary equal to average pay or to half average pay, or to average pay during a portion of the leave, and half average pay during the remainder, as he may elect; and

(*b*) if the leave is not due, leave salary equal to half average pay :

* *Provided that when a non-gazetted Government servant takes leave and*

(*i*) *his pay is less than Rs.* 300; *or*

(*ii*) *the leave taken does not exceed one month, his average pay for the purpose of this rule may be taken to be the pay which he would draw in the permanent post held substantively by him at the time of taking leave, if this pay be more than the average pay.*

*Note.*—Government servants in last grade service taking leave on medical certificate for leprosy or tuberculosis treatment will be permitted to draw leave-salary equal to average pay for a period not exceeding six months, irrespective of whether a substitute is appointed or not, subject to the condition that the Government servant produces a certificate from

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* Amendment issued under the Civil Services (Governor's Provinces) Delegation Rules, 1926.

the medical officer in charge of a recognized leprosy or tuberculosis treatment centre to the effect that he has undergone regular treatment during the month for which the leave-salary is claimed. A Government servant in last grade service suffering from tuberculosis, who is on the waiting list for admission to a recognized tuberculosis treatment centre, shall be eligible for leave-salary under the foregoing paragraph on the production or a certificate from the official medical attendant or the Superintendent of the Government Headquarters Hospital in which he is kept stating that he would have been treated as an in-patient in such centre if accommodation had been available therein.

## RULINGS.

### Election of leave-salary.

(1) Rule 87 (*a*) provides that a Government servant on leave shall, during leave, if the leave is due, draw leave salary equal to average pay or to half average pay or to average pay during a portion of the leave and half pay during the remainder as he may elect.

The election given by the above rule is the election between the three different forms of leave-salary mentioned therein and the rule is not intended to give any choice as to the period during which average pay or half average pay can be drawn if the officer elects the third form. In that case the intention is that the period of average pay should be taken first and should be succeeded by the period on half average pay.

(G.I., F.D., No. 604-C.S.R., dated the 26th April 1924, with the Comptroller and Auditor-General's Endt. No. 332-A/30-24, dated 20th May 1924.)

### Leave-salary of non-gazetted servants taking leave from gazetted posts.

(2) The proviso to this rule applies only to Government servants proceeding on leave from non-gazetted posts. The leave-salary of a Government servant holding a non-gazetted post substantively and proceeding on leave from a gazetted post after officiating in it for some time should be regulated by the main rule itself, i.e., the leave-salary should be based on the average pay earned during the preceding twelve months.

(G.I., F.D., No. F. 175-C.S.R.-25, dated 11th July 1925.)

(3) Scope of the first proviso to Rule 87 in the case of non-gazetted Government servants on foreign service—

(i) For the purpose of this proviso, the status of a Government servant while on foreign service, i.e., gazetted or non-gazetted should be determined with reference to the permanent post under Government on which he holds a lien or would hold a lien had his lien not been suspended, or, if during his absence on foreign service he is given any promotion under Rule 113, with reference to the post under Government to which he is so promoted.

(ii) In the case of such a Government servant, the term "his pay" occurring in item (i) of this proviso should be construed to mean what is prescribed under Rule 117 (*b*) for counting his pay for the purpose of Rule 9 (2), i.e., the pay drawn in foreign service at the time leave is taken *less*, in the case of a Government servant paying his own contribution for leave-salary and pension, such part of the pay as may be paid as contribution.

(iii) The expression "the pay he would draw in the permanent post held substantively by him at the time of taking leave" occurring in this proviso should, in its application to a Government servant on foreign service, be taken to mean the pay which he would draw in the permanent post under Government on which he holds a lien, or would hold a lien had his lien not been suspended at the time of taking leave.

[Government of India, Finance Department letter No. F. 7 (23)-R.I./43, dated 17th June 1943, to all Chief Commissioners.]

**Pay and status for purposes of the proviso under Rule 87.**

(4) For the purposes of the proviso in this rule, the pay and status of a Government servant should be determined with reference to the post which he was holding whether in a substantive or in an officiating capacity before going on leave.

(G.I., F.D., letter No. F. 175-C.S.R.-25, dated 29th May 1926, and G.O. Mis. No. 532, Finance, dated 2nd July 1926.)

**Interpretation of the term " pay " in the expression " the pay which he would draw " occurring in clause (ii) of the proviso.**

(5) This term should be interpreted as including " special pay " whether attached to a post or personal to a particular Government servant, since in either case the Government servant would draw it in the post which he holds substantively.

(G.I., F.D., letter No. F. 374-C.S.R.-26, dated 27th November 1926.)

(6) When a Government servant belonging to a cadre is actually holding substantively a particular permanent post in the cadre at the time of taking leave, he must be considered as the substantive holder of that particular post at the time and if a special pay is attached to that post, he may, if the other conditions of the first proviso to Rule 87 are fulfilled, draw leave-salary equal to his substantive pay *plus* the special pay which he was drawing at the time of taking leave.

(Comptroller and Auditor-General's letter No. T. 717-A.167-38, dated 13th July 1938, to Accountant-General, Central Revenues, received with the Comptroller and Auditor-General's Endt. No. 331-A/167-38, dated 16th July 1938.)

*Note.*—When the special pays for typewriting and shorthand are not attached to any particular post but are sanctioned for a particular office or offices as a whole (e.g., special pays for shorthand and typewriting in the Judicial Department) a Government servant, who is in receipt of such special pay at the time of proceeding on leave, cannot draw the special pay as part of the pay of the post held substantively by him at the time of taking leave under the first proviso to Rule 87 but can draw only average pay as defined in clause (2) of Rule 9.

Similarly, special pays for unhealthy localities are treated as not attached to a post and can, therefore, be taken into account only for calculating average pay.

[Public (Services) Memo. No. 25965/38-3, dated 25th October 1938, and Finance Memo. No. 18898-C.S.R. 3, dated 21st June 1939, and Home Department letter Ms. No. 2978, dated 30th May 1939, to the Chief Justice.]

**Interpretation of the words " permanent post " occurring in the same clause.**

(7) The permanent post may be a post on which the Government servant's lien has been suspended if he holds a lien on no other permanent post.

(G.I., F.D., U.O. No. 787-C.S.R., dated 2nd March 1926.)

**Interpretation of the words " at the time of taking leave " occurring in the same clause.**

(8) The phrase " at the time of taking leave " denotes a point in time and that point is the moment at which leave begins. If, therefore, a Government servant proceeds on leave with effect from the forenoon of a day on which an increment falls due, this increment cannot be taken into account in the calculation of his leave-salary. His increment does not begin to accrue until the previous midnight is past and by that time he is assumed to be on leave and therefore incapable of drawing increment because he is no longer on duty.

(G.I., F.D., Nos. F. 454-R.I.-27, dated 10th December 1927, and F. 454-R.I.-27, dated 23rd March 1928.)

(9) Officers who are invalided during the currency of or at the end of a period of leave not due granted with or without medical certificate should be retired from the date of termination of such leave not due.

**Leave salary of approved probationers.**

(10) As under Subsidiary Rule 2 to Rule 104 approved probationers in superior service are eligible to be granted such leave as would be admissible to them if they held their posts substantively, their leave salary should also be governed by conditions applicable to permanent Government servants. They should, however, be granted under Rule 87 average pay only during period of leave on average pay, as they have no substantive pay in respect of any permanent post held by them.

(G.O. Ms. No. 486, Finance, dated 9th August 1935.)

**Definition of pay occurring in the rule.**

(11) The term "pay" in the expression "his pay is less than Rs. 300" occurring in the proviso should be interpreted according to the definition in Rule 9 (21).

An increment falling due during leave on average pay for four months taken on other than the first occasion after 1st January 1922 does not take immediate effect but only from the date of return of the Government servant to duty. This does not however have the effect of postponing date of accrual of future increments.

(G.I., F.D. No. 143-C.S.R., dated 24th February 1925.)

**Commutation of leave.**

(12) The words "as he may elect" in Rule 87 (*a*) imply election once for all and therefore debar a Government servant from claiming commutation of leave as of right. The Government of India have therefore decided that though under the Fundamental Rules the authority which granted leave can (if so disposed) commute it retrospectively into leave of a different kind, yet a Government servant does not possess any right to insist that it should be so commuted.

(Comptroller and Auditor-General's No. 655-A-345/25, dated 2nd January 1926.)

*Note.*—A Government servant elected to take leave on average pay in India for a certain period followed by leave on half average pay in England for a further period, though for a portion of the latter he was eligible for leave on average pay. The reason was that for the period of leave on half average pay which he spent out of Asia, he found it advantageous to draw the minimum rate of leave-salary. He returned to India sooner than he expected and asked for the unexpired portion of his leave on half average pay to be commuted into leave on average pay as he could no longer enjoy the benefit of minimum leave-salary. By being allowed to take leave on half average pay first and then to commute a part of it into leave on average pay afterwards, an officer might manage to get average pay for a full year's leave instead of only for 8 months. The Comptroller and Auditor-General has held that an action which would bring about such a result must be held to constitute a manipulation of the Fundamental Rules and that therefore such a commutation of leave on half average pay into leave on average pay would be incorrect.

(Comptroller and Auditor-General's Endorsement No. 536-255/27, dated 9th November 1927, communicating copy of his letter No. 535-A/255-27, dated 9th November 1927, to the Examiner of Customs Accounts, Calcutta.)

(13) When a Government servant is appointed to officiate in a gazetted capacity the audit officer should atonce call for his leave account and maintain it. When he takes leave, if he is expected to return to the gazetted post, the account may remain with the Audit Officer, otherwise it will go to the head of the office in which he holds his non-gazetted post.

The status of such a Government servant during leave is, however, non-gazetted. He should, therefore, be taken as belonging to the establishment of the office in which he holds a lien on a substantive post and the head of that office should draw his leave-salary (which should be fixed and intimated to that office by the Audit Officer) and disburse it to him and should sanction the grant to him of any extension of leave which may be given.

(Controller of Civil Accounts, No. 1216-Admn.-434/28, dated the 31st October 1928.)

(14) Applications for extensions of leave by such a Government servant should be treated in the same way as similar applications from other non-gazetted servants, that is the procedure prescribed in Instruction (2) in Annexure B to Chapter 2 of Section IV of the Audit Code should be followed. If the extension of leave applied for is leave in India, and the Government servant's leave account is with the Audit Officer, the leave account should be called for by the head of the office from the former so that he can scrutinize the admissibility of the extension asked for and deal with the application for leave. As regards the fixation of the leave-salary to be drawn during such extension, the Audit Officer should, while communicating the amount of leave-salary payable during the first period of leave, also state what the "average pay" of the Government servant in question is, so that the officer drawing the leave-salary of the Government servant can determine the amount of leave-salary to be paid during the period of extension.

(Comptroller and Auditor-General's letter No. 727-Admn. No. 143-31, dated 13th May 1931, to the Accountant-General, Posts and Telegraphs, communicated with Comptroller and Auditor-General's No. 728-Admn.-N-143/31, dated 13th May 1931.)

(15) In connexion with the application of the first proviso to Rule 87, a question was raised as to whether the special pay attached to a particular post included in a cadre of a service and drawn by the incumbent of the post at the time of taking leave should be included in calculating the amount of leave-salary under the proviso.

When a Government servant belonging to a cadre is actually holding substantively a particular permanent post in the cadre at the time of taking leave, he must be considered as the substantive holder of that particular post at the time and that, he may, if he fulfils the other conditions of the first proviso to Rule 87, draw leave-salary equal to his substantive pay plus any special pay which he was drawing at the time of taking leave.

(Comptroller and Auditor-General's letter No. T. 717-A-167/38, dated 13th July 1938, to the A.G., C.R., New Delhi.)

**88.** After continuous absence from duty on leave for a period of twenty-eight months, a Government servant will draw leave-salary equal to quarter average pay, subject to the maxima and minima prescribed in Rules 89 and 90.

*Note.*—A member of the Indian Civil Service or a Military Commissioned Officer subject to the special leave rules is entitled to leave-salary equal to subsistence grant after this period.

**RULINGS.**

**Interpretation of the rule.**

(1) The expression "continuous absence from duty on leave for a period of 28 months" occurring in this rule includes any period of leave on quarter average salary granted under the Civil Service Regulations and the period of vacation, if any, with which leave is combined, but does not include extraordinary leave.

The reason for the exclusion of extraordinary leave is that such leave is not debited against the leave account—*vide* Rule 85 (*a*) while leave on quarter average salary is debited—*vide* Rule 78 (*b*).

(Comptroller and Auditor-General's No. 1148-A-440/23, dated 15th November 1923, and No. 227-A-58/24, dated 17th March 1924.)

(2) The period of 28 months mentioned in this rule includes the periods of vacation, if any, with which leave is combined.

[Paragraph 26 (1), Chapter X, Section I of Manual of Audit Instructions.]

**89.** (1) During the first four months of any period of leave on average pay, leave-salary is subject to an absolute maximum of Rs. 4,000 per mensem, but this provision shall not apply to any Government servant, not being a member of the Indian Civil Service who held on the 28th September 1927, a post to which a salary is attached exceeding Rs. 4,000 a month, or to the person who, at that date, held the office of Auditor-General.

(2) Except during the first four months of any period of leave on average pay, leave-salary is subject to the monthly maxima shown in the following table :—

| | Average. | | Half average. | | Quarter average. | |
|---|---|---|---|---|---|---|
| | Outside Asia. | In Asia. | Outside Asia. | In Asia. | Outside Asia. | In Asia. |
| | £ | RS. | £ | RS. | £ | RS. |
| Indian Civil Service and Military Commissioned Officers subject to the special leave rules. | 222 | 2,222 | 111 | 1,111 | .. | .. |
| Other Government servants subject to the special leave rules. | 200 | 2,000 | 100 | 1,000 | 60 | 600 |
| Government servants subject to ordinary leave rules. | 150 | 1,500 | 75 | 750 | 60 | 600 |

*Note* 1.—The maximum of average pay does not apply in the case of a Government servant, who is entitled under orders previously in force, to privilege leave for more than four months during a period equal to that for which he is entitled to privilege leave.

*Note* 2.—The maximum of average pay does not apply to a Government servant serving in a vacation department during a period of leave on average pay equivalent to one month for each year since his last leave during which he has not availed himself of the vacation and to a proportionate fraction of a month during which he has taken a part only of the vacation: provided that in the case of a Government servant who, if transferred with leave to his credit from a non-vacation to a vacation department, the local Government shall decide, on the first occasion on which he takes leave after such transfer, the period not exceeding four months for which the maximum limit of leave-salary shall not be applied to him.

## RULINGS.

(1) The period of leave on average pay taken before and after deputation in Europe or America should be treated as one spell of leave for the purpose of applying the maximum limit under this rule.

### Application of maximum where vacation is combined with leave.

(2) The intention is that when vacation is combined with leave on average pay the period of vacation should be treated exactly as the equivalent of leave on average pay for the purposes of this rule.

(G.I.,F.D., No. 1289-C.S.R., dated 10th January 1922.)

(3) Note 2 to Rule 89 (2) is not meant to give any additional advantage but is intended to be a restrictive exception to the main rule in Rule 89 (2). A Government servant is not entitled to the concession mentioned in that note in addition to the concession granted in the main rule itself but only to the drawing of full pay for a period equivalent to one month for each year since the last leave taken during which vacation has not been enjoyed.

*Note.*—The effect of the above orders will be that officers of the vacation department will be entitled to draw full average pay without limit only for the period equivalent to one month for each year *since the last leave taken* during which vacation has not been enjoyed (subject to the limit of four months) but not for any other period of leave on average pay.

(Letter No. F. 7 (54) R.I./37, dated 5th August 1937, from the Government of India, Finance Department.)

(4) For the purpose of Note 2 to Rule 89 (2) when vacation is combined with leave, the first four months of leave on average pay which is exempt from the maximum limit laid down in Rule 89 (2) [apart from the limit of Rs. 4,000 imposed by clause (1)] should be calculated after taking into account the full period of the vacation so combined, even when the vacation does not fall within the first four months of any period of combined leave and vacation. In other words, the concession of drawing full average pay during leave combined with vacation should be restricted to such period of leave on average pay earned by detention on duty during vacation since last return from leave as is equal to residual period, if any, which remains after deducting the period of vacation from the period of four months. If, however, an officer so elects, he may in the alternative be allowed to have the full amount of leave on average pay at his credit earned by detention on duty during vacation since his last return from leave subject to the limit of four months and to combine with it as much of vacation (on full pay) as would make up the total of four months, the rest of the vacation being sanctioned as leave on average pay or half average pay, as the case may be.

(Comptroller and Auditor-General's letter No. 408-A/187/39, dated 21st September 1939.)

(5) In the case of District and Sessions Judges when vacation is combined with leave, vacation pay may be drawn from the Home Treasury even though the vacation be treated as "a long stretch of holidays."

(Comptroller and Auditor-General's Endt. No. 54-A-180/26, dated 11th February 1927, forwarding copy of his U.O. Note No. 53-A-180/26, dated 12th February 1927, to the A.G., Bombay.)

**Application of the rule where portion of leave-salary is fixed in sterling.**

(6) When a portion of the leave-salary is paid in sterling it should, for the purpose of applying the rupee limits of leave-salary prescribed in these rules, be converted into rupees at the rate of 1*s*. 6*d*. to the rupee.

(7) The provisions in Rules 89 and 90 apply to full-time temporary and officiating Government servants who have completed the periods of their probation and are awaiting admission to a service and part-time Government servants who held permanent appointments substantively as their leave terms depend upon those admissible to full-time permanent Government servants. Rules 89 and 90 will not, however, apply to other Government servants falling within the scope of Rules 103 and 104 for whom specific leave terms have been laid down in the Subsidiary Rules thereunder.

(G.O. Ms. No. 486, Finance, dated 9th August 1935.)

**90.** Subject to the condition that the leave salary of a Government servant only, or to the Government servant and his wife only is subject to the monthly minima shown in the following table :—

| | Half average. | | Quarter average. | |
|---|---|---|---|---|
| | Outside Asia. £ | In Asia. RS. | Outside Asia. £ | In Asia. RS. |
| Indian Civil Service and Military Commissioned Officers subject to the special leave rules. | 55½ | 555 | .. | .. |
| Other Government servants subject to the special leave rules. | 33 | 333 | 16½ | 166 |
| Government servants subject to the ordinary leave rules. | 25 | 250 | 12½ | 125 |

*Note* 1.—The minima specified above for Government servants other than members of the Indian Civil Service and Military Commissioned Officers subject to the special leave rules apply only when leave is taken or extended out of India elsewhere than in Pakistan, Cylon, Nepal, Burma or Aden.

*Note* 2.—In the case of Military Commissioned Officer who became subject to these rules before the 9th December 1930, the minimum leave-salary during such leave, as may be added under rule 77 (*c*) to the leave earned by duty under these rules or under the European Service Leave Rules of the Civil Service Regulations in th case of an officer who was subject thereto on 31st December 1921, shall be that prescribed by the Military Rules to which the officer was subject immediately before he came under these rules or under the European Service Leave Rules of the Civil Service Regulations, as the case may be. In the case, however, of an officer of the Royal Engineers who elects to take leave under Civil Rules after completing five years' service, the minimum for so much of the leave credited as has been earned by service in civil employment shall be at the rate of £55½ out of Asia and Rs. 555 in Asia or the pay last drawn by him on duty, whichever is less.

(This rule shall have effect and be deemed always to have had effect as though it had been made as so amended.)

*Note* 3.—A military Commissioned Officer subject to these rules, who is granted leave on medical certificate in excess of the amount earned by him under both the Civil and Military Rules may be allowed the civil minimum rate of leave-salary for the period of leave taken in excess of the amount so earned.

## RULINGS.

**Interpretation of the term " average pay " occurring in Rule 90 in respect of non-gazetted Government servants.**

(1) The words " average pay " used in Rule 90 should be interpreted in terms of Rule 9 (2) and not be taken as the pay which the non-Gazetted Government servant would draw in the permanent post held substantively by him at the time of taking leave, if this pay be more than the average pay.

(G.I., F.D., No. F. 7 (30)-R.I./33, dated 10th May 1933.)

**Explanation of Civil Leave Rules.**

(2) (*a*) In applying Note 2 under the rule to a Military Officer who had already become subject to the Civil Leave Rules before 1st January 1922, the term "these rules" appearing in lines 2, 3 and 7 of the Note should be read as equivalent to "Civil Leave Rules."

(*b*) The rates prescribed by the Military Rules for payment of minimum rates of leave-salary are the old rates of furlough pay and not the new rates introduced for the first eight months of furlough out of India.

This ruling will have effect from 1st March 1929.

The above ruling will apply also to Military Officers in civil employ who are subject to leave rules in the Civil Service Regulations.

[G.I., F.D., No. F. 134/R.I.-29, dated 1st November 1929, recorded in G.O. Ms. No. 836, Finance, dated 28th November 1929, and G.I., F.D., letter No. F. 12 (3)-R.I./31, dated the 22nd January 1931, recorded in G.O. Ms. No. 104, Finance, dated 7th February 1931.]

**91.** (1) That portion of leave-salary which represents overseas pay drawn in sterling shall be paid in all cases in sterling and unless the Government servant exercises his option under sub-rule (4) of drawing it in a Dominion or Colony along with the balance of his leave salary, the payment shall be made by the High Commissioner for India in London.

(2) *Subject to the provisions of sub-rule* (1) *leave-salary shall spent out of Asia may, at the option of the Government servant, be spent out of Asia may, at the option of the Government servant, be drawn in sterling* :

*Provided that—*

(*a*) *in the case of leave on average pay not exceeding four months, or of the first four months of such leave if it exceeds four months, leave-salary due in respect of an initial period of such leave spent in Asia may, if the officer proceeds out of Asia during the currency of such leave, or within one month of its termination, be drawn in sterling.*

(*b*) *in the case of leave of any other description or of periods of leave on average pay after the first four months of such leave, if the amount of such leave spent in Asia prior to embarkation does not in all exceed one month, leave-salary in respect of the whole of such leave may be drawn in sterling.*

(*c*) *in the case of an attachment order having been issued by a court in India in accordance with Rule* 48, *Order XXI, First Schedule, Code of Civil Procedure,* 1908 (*Act V of* 1908), *that part of leave-salary which is attached shall be remitted to the court in rupees by the accounts authority in India. The balance of leave-salary, if payable in sterling, may then be drawn after reducing the maximum and minimum rates of leave-salary prescribed in Rules* 89 *and* 90 *by the amount specified in the attachment order, converted into sterling at the rate of exchange prescribed under sub-rule* (5) *of this rule.*

*Note.*—For the purpose of this rule, Cyprus shall be regarded as outside Asia.

(3) *Deleted.*

(4) Leave salary drawn in sterling shall be drawn in London, or at the Government servant's option in any British Dominion or Colony which the Secretary of State in Council may by order prescribe for the purpose, provided that the officer spends his leave in the Dominion or Colony in which he has elected to draw his leave-salary. But if leave-salary due in respect of any portion of leave out of Asia and payable to the Government servant in sterling remains undrawn for no fault on his part the local Government may authorize the undrawn amount to be paid in India at such rate of exchange as the Secretary of State in Council may by order prescribe.

*Note.*—Payment of leave salary in a Colony shall be subject to such restrictions in the matters of foreign exchange as the Government of India may from time to time impose.

(5) Leave-salary shall be converted into sterling at such rate of exchange as the Secretary of State in Council may by order prescribe.

(6) Any leave-salary drawn outside India shall be subject to deduction of Indian income-tax and super-tax at the rate which would have been applicable if that leave-salary had been drawn in India.

*Note* 1.—For the rate of exchange, *see* Secretary of State's order incorporated as Note 4 to rule 51.

*Note* 2.—With reference to Fundamental Rule 91 and in supersession of the Resolution in this Department No. 868-C.S.R., dated the 8th August 1922, the Secretary of State for India in Council is pleased to prescribe that leave-salary may be drawn in sterling in the following British Dominions and Colonies:—

| Dominion, Colony or Protectorate, etc. | Designation of Paying Officer. |
|---|---|
| Bahamas | Receiver-General, Nassau. |
| Barbados (and all other West Indian Islands except Jamaica). | Colonial Treasurer, Barbados. |
| Bermuda | Command Paymaster, Army Pay Office, Bermuda. |
| British Guiana | Colonial Secretary, Georgetown. |
| British Honduras | Treasurer, Belize. |
| Egypt | Command Paymaster, Army Pay Office, Cairo. |
| Falkland Islands | Treasurer, Stanley. |
| Fiji | Colonial Treasurer, Suva. |
| Gambia | Treasurer, Pathurst. |
| Gibraltar | Command Paymaster, Army Pay Office, Gibraltar. |
| Gold Coast | Treasurer, Acora. |
| Jamaica | Command Paymaster, Army Pay Office, Jamaica. |
| Kenya | Treasurer, Nirobi. |
| Malta | Command Paymaster, Army Pay Office, Malta. |
| Mauritius | Command Paymaster, Army Pay Office, Mauritius or Colonial Secretary, Port Louis. |
| New South Wales | Accountant, Commonwealth Sub-Treasury, Sydney. |
| New Zealand | Commissioner of Pensions, Wellington. |
| Nigeria | Treasurer, Lagos. |
| Northern Rhodesia | Treasurer, Livingstone. |
| Nyasaland | Treasurer, Nyasaland Protectorate, Zomba. |
| Queensland | Accountant, Commonwealth Sub-Treasury Brisbane. |
| St. Helena | Colonial Treasurer, St. Helena. |

| Dominion, Colony or Protectorate, etc. | Designation of Paying Officer. |
|---|---|
| Sierra Leone .. .. .. | Command Paymaster, Army Pay Office, Sierra Leone. |
| Somaliland .. .. .. | Treasurer, Somaliland Protectorate, Berbera. |
| South Australia .. .. | Accountant, Commonwealth Sub-Treasury, Adelaide. |
| South Rhodesia .. .. | Treasurer, Sallisbury. |
| Tanganyika .. .. .. | Treasurer, Dar-es-Salaam. |
| Tasmania .. .. .. | Accountant, Commonwealth Sub-Treasury, Hobart. |
| Uganda .. .. .. | Treasurer, Entebbe. |
| Union of South Africa .. | Secretary for Finance, the Treasury, Pretoria. |
| Victoria .. .. .. | Secretary, Commonwealth Treasury, Melbourne. |
| Western Australia .. .. | Accountant, Commonwealth Sub-Treasury, Perth. |
| Seychelles Islands .. | The Treasurer, Seychelles Islands. |

*Note.*—An Officer residing in Canada or Newfoundland takes payment from the Home Treasury remittance being effected under arrangements made by the India Office through the Bank of Montreal.

## RULINGS.

(1) For drawal of pay in sterling for holidays or vacation, *see* note 1 under Instruction 16 (*b*) of Annexure B in Section IV of the Audit Code.

Vacation is treated as leave on average pay for purposes of Rule 91 (2) and an officer, who prefixes vacation to leave on average pay and proceeds out of Asia within four months from the commencement of the vacation can exercise the option of drawing his pay for vacation in sterling for the period spent in India.

*Note.*—In respect of holidays actually spent in India by officers who have been permitted to prefix or affix them to their leave out of India, pay should be drawn by them in India.

(Letter No. T. 1318-A/208/35, dated the 30th September 1935, from the Comptroller and Auditor-General to the Accountant-General, Punjab, received with his endorsement No. 181-A/208-5, dated the 3rd October 1935, and Letter No. 203-Admn./292-43, dated 12th March 1946, from the Comptroller and Auditor-General to all Civil Accountants-General and Comptrollers.)

**Application of the benefit of the sterling minimum admissible under Rule 90.**

(2) Under Rule 91 (2) (*b*) read with Rule 92, a Government servant who spends not more than one month of his leave in Asia prior to embarkation is entitled to draw leave-salary in respect of the entire period of his leave at the privileged rates and subject to the sterling minima prescribed in Rule 90.

(C.C.A.'s letter No. 185-A-126/28, dated 13th June 1928.)

(3) For the purpose of the application of Rule 91 the period of voyage to or from India including any period spent in Asia after embarking for or from India on account of a *bona fide* halt in the course of a voyage to or from Asia is treated as leave out of Asia during which leave-salary is payable at the sterling rate.

These orders will apply to all direct (unbroken) voyages between India and a port outside Asia irrespective of the route followed and the time spent in Asia including stoppages incidental thereto (e.g., for the purpose of transhipment). They will not, however, apply when the voyage is broken in Asia at the volition of the officer or when he spends a portion of his leave in Asia before proceeding to another continent or resuming his duties in India.

(G.I., F.D., letter No. F. 43-R. I. 29, dated 25th April 1929 to the A.G. Burma, G.I., F.D., letter F. 43-R-I-29, dated 4th July 1929, to the High Commissioner for India, London, G.I., F.D., No. F. 7 (28)-R-I.35, dated 25th June 1935, and G.O. No. 429, Finance, dated 10th July 1935.)

**92.** The rupee and sterling maxima and minima prescribed in Rules 89 and 90 shall be applied to leave-salaries paid respectively in rupees and in sterling.

**93.** A compensatory allowance should ordinarily be drawn only by a Government servant actually on duty, but a local Government may make rules specifying the conditions under which a Government servant on leave may continue to draw a compensatory allowance, or a portion thereof, in addition to leave-salary. One of these conditions should be that the whole or a considerable part of the expense to meet which the allowance was given continues during leave.

*Note.*—See subsidiary rules under Fundamental Rule 44.

**RULINGS.**

**Treatment of vacation as " leave " for the purpose of Rule 93.**

(1) When vacation is combined with leave, the entire period off vacation and the leave should be taken as one spell of leave.

**Drawal of compensatory allowances from the Home Treasury.**

(2) The amount of compensatory allowances to be drawn during leave can seldom be settled at the beginning of leave, as it depends largely not on anticipated expenditure but on proved expenditure. The Union have, therefore, decided that compensation allowances should not be paid at the Home Treasury except in cases in which such allowances are from the start included in the calculation of average pay.

(C.C.A.'s letter No. 77-A-240-30, dated 30th March 1931.)

## SECTION VI.—EXCEPTIONS AND SPECIAL CONCESSIONS.

**93-A.** Except as provided by Rules 61 and 64, a Government servant transferred to a service or post to which the rules in sections 1 to V of this chapter apply, from a service or post to which they do not apply, remains under the leave rules which he was subject prior to his transfer: provided that it shall be open to him at the time of the transfer or any time thereafter to exercise the option of coming under the rules in sections 1 to V of this chapter, subject to the condition that all leave at his credit on the date on which he comes under these rules shall lapse. The intention of exercising this option must be specifically declared to the local Government or the Governor-General in Council, as the case may be, and the date of such declaration shall be the date of coming under these rules. The option once exercised is final.

**RULINGS.**

(1) Rule 93-A should not be given retrospective effect. It applies only to persons who are transferred from one service to another, as contemplated in that rule, on or after 13th April 1938.

(2) At the time Rule 93-A was framed, it was not appreciated that those who were before such transfer subject to leave rules identical witl those in the Fundamental Rules also would be called upon to elect. Other wise the rule would have been differently worded and the possibility c an election serving no special object would have been avoided. In view of the anomaly, resulting from such election, all accounts officers should, when asking any such officer to elect under Rule 93-A, draw his attention to the fact that where the leave rules to which he was subject before his promotion are identical with those in the Fundamental Rules, he gains no advantage by electing the latter.

(3) As regards officers so transferred prior to the 13th of April 1938, they become compulsorily and automatically subject to the leave rules of the President of the Republic of India under Rule 58. In their case the question arises whether the unspent balance of leave earned by them under the rules formerly applicable to them should lapse as a result of their coming under the rules of the President of the Republic of India. As the rules stand, the only provision in the Fundamental Rules, which enables an officer to carry forward the unspent balance of leave earned under rules other than the Fundamental Rules, is Rule 77. This rule permits leave earned under the Civil Service Regulations and the Military Leave Rules to be carried forward, but it does not contemplate cases in which the leave rules applicable to an officer before his transfer are identical with those in the Fundamental Rules which became applicable to him after the transfer. The change of leave rules in such cases is purely nominal and the intention was that the balance of leave standing to the credit of the officer on the date of his transfer should be allowed to stand, although the intention was not strictly covered by the provisions of the rules (Rule 77). The President of the Republic of India now makes this intention clear by issuing this interpretation under Rule 8.

(4) These interpretations will similarly apply also to cases of transfer from a State Service to a service under the rule-making control of the President of the Republic of India.

(5) It has been decided with the concurrence of the Government of India that the case of a Government servant transferred permanently to a service or post to which the rules in section I to V of Chapter X of the Fundamental Rules apply, from a service or post to which the leave rules in the Civil Service Regulations apply, does not fall under Rule 93-A, but under Rules 77 and 78 direct, and that the question of exercising the option provided by Rule 93-A does not therefore arise in such a case.

(Comptroller and Auditor-General's letter No. 34-A/33-43, dated 22nd January 1944, to the Accountant-General, Bombay, communicated with Endt. No. 35-A/33-43, dated 22nd January 1944.)

**94.** The rules in sections I to IV are not applicable to the following Government servants whose leave is governed by the Act or by rules made under other sections of the Act:—

(*a*) Governors and Lieutenant-Governors, Members of the Executive Council of the Governor-General, or of a Governor or Lieutenant-Governor during their tenure of office as such.

(*b*) The Chief Justices and other Judges of the several High Courts.

(*c*) The Bishops of Calcutta, Madras and Bombay.

(*d*) The Auditor-General in India.

## RULINGS.

### Service and pay as Governor counts for leave and leave-salary under ordinary rules

(1) An officer who is appointed either substantively or temporarily to a post of Governor counts his service in that post for subsequent leave under the leave rules applicable to the service to which he belongs. A Government servant whether belonging to the Indian Civil Service or not who is appointed Governor is, therefore, entitled to have his service as Governor and the pay drawn in respect of that service taken into account in the calculation of his leave and leave-salary under the ordinary rules.

(Comptroller and Auditor-General's Endt. No. 675-A-397/25, dated 1st December 1925, and letter No. 690-A-397-25, dated 4th December 1925.)

**Grant of leave preliminary to retirement to a High Court Judge who is on an extension of service.**

(2) It is a fundamental principle that a High Court Judge may only be granted an extension of service in the public interest and that *a fortiori* it cannot be sanctioned merely to enable him to take leave. When, however, an extension of service has been sanctioned, it is actual service within the meaning of Rule 1 (2) of the High Court Judges (India) Rules, 1922, and as such entitles the Judge to earn leave and pension. There may be circumstances in which leave may properly be granted within the extended period. Such circumstances may be held to exist where the leave granted is leave which would, in the absence of the extension, have been taken before the original term of service expires; or when the extension actually sanctioned is unexpectedly found to exceed by a short period the real needs of the situation. The legitimacy of the grant of leave in any particular case is therefore a question of fact to be decided with reference to the actual circumstances of the case. The above principle should be followed when leave is granted to a High Court Judge who is on an extension of service.

[G.I., Home Ministry (Judicial), letter No. F. 615-29, dated the 14th October 1929, recorded in G.O. Mis. No. 1168, Public (Special), dated 8th November 1929.]

**94-A.** The rules in sections I to V are not applicable to the Presidents of Legislative bodies; whose leave is governed by orders issued in this behalf by the Secretary of State in Council.

**94-B.** Except as regards military officers in civil employment, to whom Rules 61 and 62 apply, the rules in sections I to V are not applicable to Government servants paid from Military Estimates who are temporarily transferred to service paid from Civil Estimates (including service in a tenure post). Such Government servants remain subject to the rules which applied to them before their transfer.

**95.** Subject to any exceptions and modifications which the Secretary of State in Council may by rule prescribe, the special leave rules in sections I to V of this chapter apply to Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical establishments including the Bishops of Lahore, Rangoon, Lucknow and Nagpur.

**96.** The only form of leave which may be granted to a Lieutenant-Governor, whether substantive or officiating, is leave on medical certificate for not more than six months. On resuming his duties after such leave, he may receive leave-salary equal to half his pay for the period of absence. If he does not resume his duties, he may draw the leave-salary to which he would have been entitled under Rule 97 had he vacated his post before taking leave.

**97.** (1) When a Government servant, who has held the office of Governor, Lieutenant-Governor, or Member of the Executive Council of the Governor-General, or of a Governor or Lieutenant-Governor, takes leave after vacating such office, there shall be credited in his leave account a period equivalent to the leave which would have been earned under the rules in sections I to V if the duty rendered as Governor, Lieutenant-Governor, or Member had been rendered in one of the posts to which these rules apply; and

any leave which he has taken during his tenure of office shall be debited to his leave account in the same way as if he had taken leave on half average pay under these rules. His leave salary will be subject to the maxima laid down in Rule 89.

(2) When a Government servant holding substantively any of the offices referred to in sub-rule (1) of this rule or the post of Chief Engineer of the Public Works Department takes leave immediately on vacating his office or post, or if an officer of the Indian Medical Service holding an administrative post is given leave under Rule 86, he shall during the leave be left without a lien on any permanent post.

(3) If leave is taken immediately on vacating the post of Chief Commissioner, Chief Engineer of the Railway Department or posts held by officers in the Superior Revenue Establishment of State Railways corresponding in rank to a Chief Engineer, the suspended lien of the Government servant which would otherwise revive under Rule 14 (*e*) may be terminated and the Government servant left during the leave without a lien on any permanent post.

## RULINGS.

### Lien during leave of members of the Indian Civil Service holding certain high posts.

(1) In the case of the Government servants referred to in this rule, it is left to the discretion of the Government of India or the State Government, as the case may be, under which the Government servant is employed to give him a lien on another post or to leave him without a lien at all.

(2) When a Service Governor completes his tenure of office as such and desires to take leave thereafter as a member of the service to which he belongs, the proper course is, for the Union Government to grant and notify the leave.

[G.O. No. 840, Public (Special), dated 27th May 1939.]

### Leave Salary.

(3) The maximum limit of average pay of Rs. 4,000 referred to in this rule applies only to the leave salary drawn during the first four months of leave on average pay, by officers who take leave under this rule. For any remaining period of leave taken under this rule the maxima laid down in Rule 89 apply.

**98.** The following provisions apply to such holders of the posts enumerated below as are not members of the Indian Civil Service subject to the special leave rules under Fundamental Rule 75 :—

(1) Judges of a Chief Court.

(2) Chief Judges of Small Cause Courts of Presidency Towns except Madras and of Rangoon.

(3) The Secretary to the Government of India in the Legislative Department.

(4) A Judicial Commissioner or Additional Judicial Commissioner of the Central Provinces.

(5) The Administrator-General and Official Trustee in Bengal, or Bombay.

(6) The Administrator-General, Official Trustee, Official Assignee, and Official Receiver in Burma.

(7) An Additional Judicial Commissioner of Sind or of the North-West Frontier Province.

Such Government servants are entitled to leave on the terms which apply to Judges of High Courts by rules made under section 104 of the Act, subject, however, to the following modifications, namely :—

(*a*) their leave-salary shall not exceed, while on ordinary furlough or on subsidiary leave, half average pay, and while on furlough on full allowance, average pay; and

(*b*) the holders of posts which have not been declared by the local Government under Rule 82 (*a*) to belong to a vacation department are entitled in lieu of the leave credited to the furlough account of a High Court Judge under the rules made under section 104 because of his having been detained on duty as a Vacation Judge, to a credit in their leave account of a period equal to two-elevenths of the period of actual service performed.

### RULINGS.

(1) The effect of the insertion of the words "subject to the special leave rules under Rule 75" after the words "Indian Civil Service" in this rule is to extend the benefits of the High Court Judge's leave rules to a member of the Indian Civil Service, subject to the *ordinary* leave rules, who holds a post named in Rule 98.

(2) Proviso (*a*) to Rule 98 should be interpreted as operating *in addition to*, Rule 16 of the High Court Judge's (India) Rules, 1922 and not in modification of them as stated in the preamble to the proviso. The rates of leave salary applicable to High Court Judges should apply to the holders of the posts in Rule 98 but it is subject to the *further* limitation that it should not exceed their average pay if the leave is on full allowances and their half average pay if it is ordinary furlough or subsidiary leave.

[G.I., Ministry of Finance, No. 27, dated 21st October 1926, recorded in G.O. No . 441, Law (General), dated 11th February 1927.]

**99.** The following Law Officers are entitled to leave under the rules applicable to members of the Indian Civil Service : provided that their pay as Government servants is fixed at a definite rate and that their whole time is retained for the service of Government :—

An Advocate-General.
A Standing Counsel.
An Official Trustee or Assignee.
A Receiver of a High Court.

An officer of a High Court holding a post which by law can be held by a Barrister only.

A Secretary or Assistant Secretary in the Legislative Department of a local Government.

A Remembrancer, Deputy Remembrancer or Assistant Remembrancer of Legal Affairs.

A Government Advocate or Assistant Government Advocate.

A Clerk of the Crown.

A Government Solicitor.

**100.** The following provisions apply to military officers in civil employ who remain subject to military leave rules (other than military officers serving with such Frontier Irregular Corps as may be specified in this behalf by the Governor-General in Council) and to non-commissioned officers in civil employ :—

(*a*) A local Government may grant to such an officer leave of the following kinds :—

(i) Leave on average pay for four months at a time, not exceeding, in all, the privilege leave which it would be permissible to grant to him under the rules applicable to his case on the date on which he became subject to this rule, *plus* 1/11th of the duty performed by him from the beginning of the calendar year following that in which he became subject to this rule :

Provided that, if privilege leave under military rules is not admissible in respect of the calendar year of transfer, because the officer has not actually performed duty in the Military Department during that year, duty counting for leave on average pay shall commence on the date on which he becomes subject to this rule :

Provided further that, in the case of an officer who became subject to this rule before the 4th of December 1928 and who took privilege leave under military rules ending during the first six months of the calendar year in which he became subject to this rule, duty counting for leave on average pay shall begin from a date six months after the end of such privilege leave but so that in no case shall duty performed before the date on which he became subject to this rule count :

Provided further that, in the case of an officer serving in a vacation department, the provisions of Rule 82 shall apply *mutatis mutandis*, to the calculation and grant of leave under sub-clause (i) above :

Provided further that an officer holding substantively a tenure post who is temporarily reverted to military duty, shall be treated as if he had remained subject to this rule throughout the period of his absence from his civil post, any privilege leave taken

under military leave rules during that period being treated as leave on average pay taken under this rule.

*Note*.—In the case of a Government servant who is entitled under orders previously in force to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clause (i) above may be increased on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

(ii) Any leave other than privilege leave admissible under military rules either alone or in combination with leave on average pay.

(*b*) The total period of leave should be regulated by the limits in force under the military rules to which the officer is subject.

(*c*) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the officer concerned at the time when it was granted :

Provided that, except in the case of an officer holding substantively a tenure post, no leave under sub-clause (ii), clause (*a*) of this rule may be granted to an officer unless the local Government is prepared to re-employ him immediately upon the termination of the leave :

Provided also that in the case of an officer holding substantively a tenure post, leave under sub-clause (i) of clause (*a*) may be granted so as to extend beyond the expiry of such term if the leave has been applied for in sufficient time before the expiry of the fixed term and refused owing to the exigencies of the public service.

### RULINGS.

(1) In the case of a Military Officer to whom privilege leave was granted under the military rules in respect of a particular official year, instead of a calendar year, service for leave under the civil rules should reckon from the first day of the next official year.

**Leave to Military Officers in Civil Employ holding appointments of limited tenure.**

(2) Leave on average pay to Military Officers in civil employ holding appointments of limited tenure is inadmissible beyond the date of expiry of the tenure of civil employment, even though the Military authorities may agree to its grant.

(G.O. Mis. No. 854, Finance, dated 10th November 1926, and G.O. Mis. No. 600, Finance, dated 24th August 1927.)

**Leave to Military Officers, subject to Military leave rules in Civil employ.**

(3) Before Military Officers subject to the military leave rules, who are in civil employ for a fixed term, are granted leave by civil authorities for a period extending beyond that term, the concurrence of the Military authorities should invariably be obtained by direct communication with the General Officer Commanding the District in which the Officer's unit is serving at the time.

A copy of the letter to the General Officer Commanding should, at the same time, be endorsed to the Military Secretary, Army Headquarters, for information.

(G.I., F.D., No. F. 210-25, Ests., dated 1st September 1925, and G.O. No. 886, Public, dated 14th September 1925.)

**100-A.** *Deleted.*

**100-B.** The following provisions apply to military commissioned officers in civil employment, who are borne in the Semi-Effective List, Section II, category (vi) :—

(1) The amount of leave in terms of leave on half average pay for which an officer is eligible shall be calculated during the current year in which he is transferred to civil employment, at the rate of one-eleventh and, thereafter, three-elevenths of the period spent on duty :

Provided that, where privilege leave under military rules is not admissible in respect of the current year of transfer, the calculation shal be made at the rate of three-elevenths from the date of transfer.

(2) The maximum amount of leave which may be granted to an officer at any one time is, in terms of leave on half average pay, twelve months.

(3) During leave granted under this rule, the officer may at his option draw leave-salary equal to average pay or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, the leave on average pay being reckoned as twice the amount actually taken.

(4) Any privilege leave admissible to an officer under military rules, on the date of his transfer to civil employment, may be taken in addition to leave earned under this rule but shall count as twice that amount of leave on half average pay for the purpose of clause (2) of this rule.

(5) Leave on medical certificate on half average pay and extraordinary leave without pay, on medical certificate or on urgent private affairs, may be granted up to a maximum of three months in each case where the amount of leave earned under clause (1) of this rule has been exhausted.

(6) Leave under this rule shall normally be taken during the tenure of the officer's appointment but in special circumstances may be taken after its termination but if an officer has reached the age of compulsory retirement, the grant of leave to him shall be subject to the provisions of Rule 86.

(These amendments shall have effect from the 14th September 1937.)

*Note*.—These amendments apply only to the military commissioned officers in civil employ transferred to the Semi-Effective List, Section II, category (vi) on or after the 14th September 1937 and not to those who were already transferred before that date.

**101.** A local Government may make rules regulating the grant to Government servants under its control of—

(*a*) maternity leave to female Government servants: and

(*b*) leave on account of ill-health to members of subordinate services specified in such rules, whose duties expose them to special risk of accident or illness.

Such leave is not debited against the leave account.

*Subsidiary Rules under Rule* 101 (*a*)—*Maternity leave.*

1. A competent authority may grant maternity leave on average pay to permanent married women Government servants for a period which may extend up to two months. Non-permanent Government servants should take for maternity purposes, the ordinary leave on average pay for which they may be eligible. If, however, a non-permanent woman Government servant is not eligible for any leave on average pay or if the leave to her credit is less than two months, maternity leave may be granted for a period not exceeding two months or for the period that falls short of two months, as the case may be.

*Note* 1.—Approved probationers in superior service governed by the Madras Leave Rules, 1933, shall be eligible for maternity leave as for permanent Government servants.

*Note* 2.—In the case of Government servants, who are confined during the period of their earned leave, the two months' period referred to above shall be reckoned only from the date of confinement.

1-A. A competent authority may grant maternity leave on average pay to permanent married women Government servants in cases of abortion also for a period which may extend to six weeks. A non-permanent woman Government servant should take in such cases ordinary leave on average pay for which she may be eligible; if, however, she had been in service for not less than one year before the commencement of the leave, and if she is not eligible for any leave on average pay, or if the leave to her credit is less than six weeks, maternity leave may be granted for a period not exceeding six weeks or for the period that falls short of six weeks as the case may be.

The grant of maternity leave is subject to the following further conditions:—

The leave application should be supported by a medical certificate—

(*a*) in the case of gazetted women Government servants, issued by the authorized medical attendant; and

(*b*) in the case of non-gazetted Government servants, obtained in accordance with Subsidiary Rule 16 under Rule 74 (*a*) in Annexure II to these rules to the effect that the abortion or miscarriage occurred after a period of 12 weeks of pregnancy or that it was a case of extra-uterine pregnancy.

2. Leave of any other kind may be granted in continuation of maternity leave, if the request for its grant be supported by a medical certificate.

3. All Heads of Departments and other competent authorities may grant maternity leave to women Government servants under their control subject to the restrictions laid down in the Subsidiary Rule under Rule 66.

*Subsidiary Rules under Rule* 101 (*b*)—*Hospital leave.*

1. The grant of hospital leave is subject to the condition that the leave-salary is not in addition to the benefits to which the employee may be entitled under section 4 (1) (*d*) of the Workmen's Compensation Act but is inclusive of them.

2. All last grade Government servants and subordinates of the following classes, whether in last grade or superior service, are eligible for hospital leave:—

Police head constables and constables, daffadars, lance daffadars and sowars, in the sowar troop of the Madras City Police, jails matrons, head warders and warders, foresters, forest guards, forest reserve watchers, head warders, warders and servants in mental hospitals, petty officers of the Excise department, press employees and syces in the Civil Veterinary department, leading firemen, firemen, firemen-drivers, driver-mechanics, workshop staff, ambulance drivers and ambulance attendants in the Madras Fire Service department.

2-A. A Government servant who holds only a temporary or officiating post and has no lien on a permanent post is not entitled to hospital leave. This provision shall not apply to a Police constable or head constable or a forest reserve watcher or a leading fireman or fireman in the Madras Fire Service department or any of the employees of the Government Press including men paid from Day-extra establishment and menials paid from contingencies but excluding those classified under Ministerial Services.

*Note.*—The concession will not apply to the workshop staff, fireman, driver, driver mechanics, ambulance drivers or ambulance attendants as they do not undertake special risks in the course of their duties.

3. Hospital leave on half average pay may be granted for a period not exceeding six months in every three years of service to a Government servant of one of the classes mentioned in Subsidiary Rule 2, when he is detained in hospital or is receiving medical aid as an out-patient, that is to say, a Government servant may not take more than six months hospital leave before he has completed his third year of service, not more than six months between completing his third year and sixth year of service and so on. It is inadmissible when such treatment is necessitated by intemperance or irregular habits. It may be combined with other leave which may be admissible provided that the total period of leave so combined shall not exceed 28 months.

4. If the detention in hospital was due to an injury received or a disease contracted in the course of duty, and it is also certified not to have been due to imprudence, average pay may be allowed for a period not exceeding three months in every three years. If the medical officer certifies that the injury or disease necessitates detention in hospital, that there is no hospital within convenient distance to which the patient may be sent and that home treatment is possible, treatment as an out-patient may be considered to be detention in hospital for the purpose of this sub-rule.

5. The following menials employed in the Government Medical institutions are liable to contract illness in the performance of their

duty. If the head of the office is satisfied that an illness has been contracted or aggravated through the discharge of their duty, they may be allowed half pay while it continues whether a substitute is paid or not; but the period of leave on half pay shall not exceed six months in any one term of three years, whether the leave is taken in one period or by instalments:—Dhobis, barbers, attendants, ambulance attendants, lascars, ayahs, sweepers, disinfecting coolies, dispensing coolie (Royapetta Hospital), cooks, maties, water men and women, masalchies (Hospital for Women and Children), chauffeurs or ambulance car drivers, drivers of steam laundries, bullock coach driver (Mental Hospital, Madras), mortuary attendant (Government Rayapuram Hospital), maistris and assistant maistris, carpenters, painter, bricklayer and mason, tailors, blacksmith (Mental Hospital, Madras), liftmen, fitter coolies, gas coolies and cleaners (Electrical section) (Government General Hospital, Madras), Nursing orderlies and totis.

## RULINGS.

### Hospital leave to temporary or officiating servants.

(1) A Government servant who holds only a temporary or officiating post and has no lien on a permanent post is not entitled to hospital leave, but only to leave under Rule 103.

(G.O. Ms. No. 346, Finance, dated 1st May 1934.)

(2) Maternity leave may be granted in continuation of other kinds of leave.

(G.O. No. 980, Finance, dated 21st December 1925.)

### Leave salary of last grade servants on maternity leave.

(3) The restriction on the amount of leave salary admissible to last grade servants under the proviso to Rule 87 (*b*) (ii) should be applied in respect of the leave salary payable under subsidiary rule 1 below Rule 101 (*a*).

(Memorandum No. 6757-2-D-2, P.H., dated the 4th March 1911.)

### Calculation of hospital leave.

(4) The exact intention of the subsidiary rules 4 and 5 under Rule 101 (*b*) is as follows:—

(i) The six months' leave referred to in subsidiary rule 3 is admissible to the Government servants referred to in rule 2 "in every three years of service", that is to say, a constable may not take more than six months hospital leave before he has completed his third year of service; not more than six months between completing his third and his sixth year; and so on.

(ii) The three months' leave on average pay referred to in subsidiary rule 4 should be reckoned as part of the six months referred to in subsidiary rule 3, that is, the Government servants mentioned in subsidiary rule 2 are eligible for three months' leave on average pay followed by three months' leave on half average pay in every three years of service. The total period of hospital leave should still not exceed six months during any period of three years. An application for hospital leave should be examined to see how much hospital leave the individual will have taken during the period of three years counting back from the date on which the hospital leave, applied for, will expire.

[G.O. No. 316 Judicial (Police), dated 4th July 1923.]

**Press employees.**

(5) The subsidiary rules under Rule 101 (*b*) are applicable to all "press employees" including pieceworkers, permanent and temporary, the men paid from contingencies and those on daily wages. Their leave salary should however be calculated on the basis of average pay as defined in Rule 9 (2).

(G.O. Ms. No. 625, Finance, dated 3rd September 1927.)

(6) The limit of eight months is not applicable when hospital leave is taken in combination with ordinary leave on average pay on medical certificate.

(F.D. Memo. No. 30896-1-C.S.R., dated 3rd October 1927.)

**Explanation of detention in hospital.**

(7) Attendance by a police man unfit for duty at a hospital as an out-patient is not "detention in hospital" for the purposes of the above rule.

[G.O. Ms. No. 415, Judicial (Police), dated 4th July 1923.]

(8) There shall be no limit for combining earned leave or vacation with maternity leave provided that in cases where a Government servant is required to attend office during vacation immediately following maternity leave but is unable to attend, a medical certificate may be insisted at the discretion of the sanctioning authority.

(Memo. No. 39529/C.S.R.-2, dated 27th May 1955.)

**102.** A local Government may make rules regulating the grant of leave on account of ill-health to officers and seamen of Government vessels. Such leave is not debited against the leave account.

**103.** A local Government may make rules regulating the leave which may be earned by—

(*a*) temporary and officiating service;

(*b*) service which is not continuous; and

(*c*) part-time service, or service which is remunerated wholly or partially by the payment of honoraria or daily wages: provided that such rules shall not grant more favourable terms than would be admissible if the service were substantive, permanent and continuous.

The condition of an extra expense to the Government referred to in this rule shall not apply to the unpassed ex-settlement clerks re-employed in Revenue and other departments.

*Subsidiary Rules under Rule* 103 (*a*).

1. A temporary Engineer of the Public Works Department may be granted leave on such terms and with such leave-salary as Government may think fit in each individual case provided that the leave and leave-salary are not in excess of those admissible to a Government servant subject to the ordinary leave rules.

2. Leave may be granted to any other Government servant without a lien on a permanent post while officiating in a post or holding a

temporary post, provided that the grant of the leave involves no extra expenses to the Government. On this condition, such a Government servant may be granted—

(a) leave on leave-salary equivalent to average pay up to one-eleventh of the period spent on duty, subject to a maximum of four months at a time, or

(b) on medical certificate, leave on leave-salary equivalent to half average pay for three months at any one time, or

(c) extraordinary leave under Rule 85 for three months at any one time.

*Note* 1.—The Government reserve the power to waive the proviso that there should be no extra expense in special cases.

*Note* 2.—When a non-gazetted Government servant takes leave and

(i) his pay is less than Rs. 300, or

(ii) the leave taken does not exceed one month,

his average pay for the purpose of this rule may be taken to be his pay at the time of taking leave, if this pay be more than the average pay.

*Note* 3.—Health Inspectors have been permitted to count their previous pensionable service under local bodies for leave in combination with subsequent Government service subject to the following conditions:—

(i) such service should be allowed to count for leave in combination with the subsequent Government service provided the Health Inspector has completed his period of probation, and is not likely to revert from Government service; and

(ii) the leave salary is debited to the local bodies concerned until the amount of leave at the credit of such Health Inspector at the time of transfer to Government service is entirely exhausted.

In the case of local fund and municipal servants who are merely acting or probationary Health Inspectors, their leave should continue to be regulated by subsidiary rule 2 to Rule 103 (a).

*Exception.*—In the case of a Government servant officiating in a permanent post or holding a temporary post in a vacation department, leave granted under clause (a) of this rule shall be on leave-salary equivalent to half average pay: Provided that such a Government servant may be granted, under that clause, leave on leave-salary equivalent to average pay to the extent of one month for each year of duty in which he has availed himself of not more than 15 days of the vacation (Government of India, Finance Department, Resolution No. 783-C.S.R., dated the 8th July 1922).

3. If such a Government servant is, without interruption of duty, appointed substantively to a permanent post, his leave account will be credited with the amount of leave which he would have earned by his previous duty if he had performed it while holding a permanent post substantively, and debited with the amount of leave actually taken under rule 2. Leave taken under rule 2 is not an interruption of duty for the purpose of this rule. This rule has retrospective effect in the case of Government servants in permanent service at the time these rules come into force.

Temporary and officiating service rendered under the Government of India or any State Government and followed by confirmation under the Government of Madras without interruption of duty will, up to the extent mentioned above, be taken into account for the purpose of the leave account, provided that under the rules laid down by the other Government such service would have counted had the Government servant in question continued in the service of that Government without a break of service till confirmation.

*Subsidiary Rule under Rule 103 (b).*

Service in an establishment which is employed only at certain seasons in each year does not qualify for leave except in the case of men who are drafted into such an establishment from other permanent or temporary posts.

*Subsidiary Rules under Rule 103 (c).*

1. Subject to the condition that the grant does not involve extra cost to Government, Law Officers and other part-time Government servants may be granted leave as follows:—

(i) if they hold permanent appointments, leave not exceeding that admissible to a full-time permanent Government servant; and

(ii) if they hold temporary or officiating appointments, leave not exceeding that admissible to a full-time temporary or officiating Government servant.

*Note* (i).—This rule does not apply to part-time service in posts held as collateral charges by officers who have another main appointment under Government. In such a case, no leave is earned in respect of service in the collateral posts.

*Note* (ii).—The condition that the grant should not involve extra cost does not apply to the part-time services of port officers.

2. Subsidiary Rule 1 of the Maternity Leave Rules issued under Rule 101 (*a*) applies to women employed under Government at piece rates or daily rates in permanent or quasi-permanent concerns.

**RULINGS.**

**Leave of re-employed pensioner.**

(1) The service of a person who is re-employed after having retired on superannuation or retiring pension should be regarded as temporary and his leave regulated by Rule 104. [*Vide also ruling under Rule* 65 (*a*).]

(G.I., F.D., No. F. 404-R-1/27, dated 21st August 1928, recorded in G.O. Mis. No. 641, Finance, dated 13th September 1928.)

(2) A question having been raised whether it is necessary to extend the period of a temporary post so as to cover the period of leave granted to its holder after he has ceased to perform the duties of the post, the Government of India have decided that an extension is expedient only in cases where the grant of leave is subject to the condition of "no expense to Government" but improper in the absence of this condition.

[G.I., F.D., No. F. II. (5) R.I./33, dated 1st April 1933, and G.O. Ms. No. 242, Finance, dated 24th April 1933.]

**Extra expenses.**

(3) (*a*) The term "extra expense" occurring in subsidiary rule 2 under Rule 103 (*a*) should be interpreted to mean the net extra cost to Government involved in the chain of officiating arangements made in the vacancy of the absentee.

(*b*) The net extra cost to Government for the purpose of calculating the sum available for payment to the absentee should then be worked out as shown below:—

(i) *Leave reserve establishments.*—Sum total of enhanced officiating pay (acting allowances) granted to the Government servants in the chain of arrangements made in the vacancy of the absentee.

(ii) *Non-leave reserve establishments.*—Sum total of enhanced officiating pay (acting allowances) granted to the Government servants in the chain of arrangements made in the vacancy of the absentee, as in (i) above, *plus* entire pay of the substitute, that is, the pay of the outsider without a substantive post, appointed in the last place in the chain.

(G.O. No. 550, Finance, dated 3rd September 1934.)

(4) The different kinds of leave referred to in clauses (*a*), (*b*) and (*c*) of subsidiary rule 2 to rule 103 (*a*) are cumulative and not alternative.

(5) Leave on medical certificate taken under rule 1 in Article 336 or leave without allowances taken under rule 2 in Article 339 of the Civil Service Regulations will not be regarded as constituting an interruption of service for the purpose of this rule; nor does the interruption of duty referred to in Article 420 (*g*) of the Civil Service Regulations constitute an interruption of duty within the meaning of this rule.

(6) For purpose of subsidiary rule 3 under Rule 103 (*a*), suspension should be treated as an interruption of duty and will involve the forfeiture of past service.

(G.O. No. 253, Finance, dated 26th March 1925.)

*Note.*—The Board of Revenue (Land Revenue and Settlement) have been empowered to declare that interruption of duty due to suspension will not involve the forfeiture of past service for purposes of leave in individual cases of the temporary subordinates of the Survey and Settlement Department, provided that the whole record of the individual member is such as to justify exceptional treatment.

(G.O. Mis. No. 2022, Finance, dated 24th November 1926.)

(7) Leave earned by an officiating Government servant without substantive appointment in one department may be carried forward on appointment to another department of Government, provided there is no break in the continuity of the Government servant's service.

(Finance U.O. Note No. 10740-2-C.S.R., dated 20th April 1937.)

(8) In the case of a Government servant without substantive appointment, who has been continuously in Government employ, service in a post borne on a work-charged establishment should not be regarded as an interruption of duty for the purpose of subsidiary rule 3 under Rule 103 (*a*). The service in the work-charged establishment will not, however, count as duty for purposes of leave and leave-salary.

This decision also applies to the case of transfer as A.R.P. Warden in the Madras A.R.P. Service, to which the regular leave rules do not apply. The interruption in service need not be taken as a break involving the forfeiture of the leave earned prior to such transfer.

(G.O. No. 328, Finance, dated 10th September 1937, and P.W.D. Memo. No. 64, dated 17th June 1946.)

(9) Vacation may be combined with leave granted under subsidiary rule 2 (*a*) under Rule 103 (*a*) or under Rule 3 of the leave terms for Contract Officers issued in G.O. No. 423, Finance, dated 5th July 1935, and vacation when so combined should be treated as leave for the purpose of the limit prescribed in the above rules.

(G.O. No. 296, Finance, dated 11th August 1937.)

**104.** During their period of probation or apprenticeship, probationers and apprentices are entitled to leave as follows :—

(*a*) If appointed under contract in the United Kingdom with a view to permanent service in India, or if appointed in the United Kingdom to posts created temporarily with the prospects, more or less definite, of becoming permanent—

(i) to such leave as is prescribed in their contracts, or, when no such prescription is made;

(ii) (1) when the period of probation is not less than three years, to the same leave which would be admissible if they held permanent posts; or

(2) when the period of probation is less than three years, to leave on average pay up to one-eleventh of the period spent on duty, to which may be added, on medical certificate, leave on half average pay : provided that the total leave granted under this

clause shall not exceed three months reckoned in terms of leave on average pay; and

(b) If appointed otherwise, of such leave as is admissible under rules framed on this behalf by the local Government, subject to the proviso in Rule 103.

*Subsidiary Rules under Rule* 104.

1. In these rules—

(a) *Probationer* means a Government servant recruited with a view to substantive appointment to the cadre of a department on completion of his period of probation.

(b) *Apprentice* means a person deputed for training in a trade or business with a view to employment in Government service, who draws pay at monthly rates from Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

2. Leave may be granted to a probationer, who has not completed his period of probation, in accordance with the provisions of Subsidiary Rule 2 under Rule 103 (a). If, however, the probationer has completed the period of his probation and is awaiting appointment as a full member of the service, he may be granted such leave as would be admissible to him if he held his post substantively otherwise than on probation. This rule does not apply to a probationer in the last grade service.

3. Leave of the following kinds may be granted to an apprentice:—

(a) On medical certificate, leave on leave-salary equivalent to half average pay for a period not exceeding one month in any year of apprenticeship.

(b) Extraordinary leave under Rule 85.

**RULINGS.**

**Leave to an apprentice.**

(1) Under the subsidiary rules under Rule 104, an apprentice will be eligible in each year of apprenticeship for leave on half pay on medical certificate up to a maximum of one month but no accumulation of such leave is admissible.

(G.O. Mis. No. 1318, Development, dated 9th September 1926.)

(2) Apprentices on confirmation cannot count their apprentice period for leave as if it had been service rendered substantively in a permanent post. They are governed by subsidiary rule 3 under Rule 104 which provides only for leave during the apprentice period.

(C.C.A.'s letter No. 42-A-248/31, dated 3rd February 1932, to the A.G., Central Revenues, communicated with his Endt. No. 42-218/31, dated 4th February 1932.)

**Leave to an approved probationer.**

(3) An approved probationer can be granted leave, only if he would have otherwise continued on duty.

*Note.*—There is however, no objection to more than one approved probationer being reckoned against the same vacancy if they are granted leave concurrently.

(G.O. Ms. No. 2677, Home, dated 13th May 1939.)

# CHAPTER XI—JOINING TIME.

105. Joining time may be granted to a Government servant to enable him—

(*a*) to join a new post to which he is appointed while on duty in his old post; or

(*b*) to join a new post—

(i) on return from leave on average pay of not more than four months' duration; or

(ii) when he has not had sufficient notice of his appointment to the new post, on return from leave other than that specified in sub-clause (i); or

(*c*) to travel from the port of debarkation or, in the case of arrival by air-craft, from its first regular port in India and organize his domestic establishment when he returns from leave, study leave or deputation out of India of more than four months' duration; or

(*d*) (i) to proceed from a specified station to join a post in a place in a remote locality which is not easy of access;

(ii) to proceed on relinquishing charge of a post in a place in a remote locality which is not easy of access to a specified station:

Provided that joining time shall not be allowed for the purposes specified in paragraph (*c*) or paragraph (*d*) to any person to whom Rule 98 applies.

*Note* 1.—The following audit instruction has been issued under this rule:—

If vacation is combined with leave, joining time should be regulated under clause (*b*) (i) of Fundamental Rule 105, if the total period of leave and vacation combined is less than four months' duration and under clause (*c*) if the leave out of India and vacation combined is more than four months.

*Note* 2.—Probationers holding training posts which they may be considered as taking with them on transfer are entitled to joining time on transfer under this rule. In other cases, an officer deputed for training is allowed only the time actually required for the journey between the place of training and the station from which he proceeds and the time so taken is to be treated as part of the period of training. In the case of Civil Officer granted commissions in the Army in India Reserve of Officers and of persons deputed for training in the Indian Territorial Force, the period of training will not, however, include the time spent in journeying to and from the station at which training is carried out.

*Note* 3.—Probationers and approved probationers in one service when appointed to the same or another service by direct recruitment shall be allowed joining time and transit pay, but not travelling allowance.

## RULINGS.

(1) Joining time under this rule is reckoned from the date of debarkation at an Indian Port. Colombo is not regarded as an Indian Port for this purpose.

(G.I., F.D., U.O. Memo. No. D. 1286-R.I/28, dated 28th March 1928.)

(2) Joining time under Rule 105 (*c*) is admissible to a Government servant for organizing his domestic establishment even if he does not make any journey from the port of debarkation.

(G.I., F.D., letter No. F. 142-R.I/28, dated 28th December 1928.)

(3) Joining time under Rule 105 (*b*) and (*c*) and joining time pay under Rule 107 (*b*) [read with Note (1) thereunder] are admissible only to those military officers in civil employ who retain a lien on a civil post.

(Comptroller and Auditor-General's letter No. 554-A/180/39, dated 7th December 1939.)

**Admissibility of joining time to Government servants sent for training.**

(4) If, in addition to the time actually required for the journey to and from the place of training, the need of a few days' relief from work to prepare for departure exists, there is no objection to the grant of casual leave for the purpose, provided the grant of the leave does not cause any evasion of the rules regarding date of reckoning allowances and charge of office.

(G.O. No. 165, Finance, dated 18th March 1926, and Memo. No. 40527-C.S.R., dated 17th December 1929.)

(5) Assistant Collectors who are deputed for training in Survey and Settlement are eligible only for the time actually required for the journey as joining time. As regards Sub-Collectors deputed for Judicial training, there is a definite transfer from the Executive to the Judicial line and such officers should be allowed joining time.

[G.O. Ms. No. 1142, Public (Special), dated 5th November 1931.]

**Deputy Collectors deputed for treasury training.**

(6) In the case of Deputy Collectors who are deputed for treasury training and subsequently posted to the charge of a District treasury, joining time under Rule 105 should be allowed only for journeys in respect of which travelling allowance is admissible as on transfer, that is for journeys made on appointment on completion of the relieving duty as Additional Treasury Deputy Collector, if posted to a new station, from the old station to the new station. In respect of other journeys, only the time actually required for the journey should be allowed in accordance with the second sentence of Note 2 to that rule. These orders apply only to Deputy Collectors deputed for treasury training. They do not apply to Deputy Collectors transferred to other districts as Additional Treasury Deputy Collectors for the purpose of relieving the permanent Treasury Deputy Collectors of those districts for sub-treasury inspection.

[G.O. Ms. No. 3164, Revenue, dated 22nd December 1943, *vide* also ruling (4) under Rule 106 and Memorandum No. 3323-B/44-2, Revenue, dated the 11th November 1944.]

(7) A Government servant, on return from leave on average pay of not more than four months' duration and transferred to a post of which he was in additional charge at the time of his proceeding on leave, may be granted joining time as under Fundamental Rule 105 (*b*) (i), provided there is a change of headquarters.

(Finance Memorandum No. 115086A/C.S.R.-2, dated 17th December 1952.)

(8) A Government servant who is deputed for training should be deemed to be on duty, while on training, in the post he was holding immediately before proceeding on training and if he is posted at the end of the training to a different place he should be allowed joining time under Fundamental Rule 105 (*a*).

(Finance Memorandum No. 57173/C.S.R.-2, dated 26th August 1955.)

**106.** A local Government may make rules regulating the joining time admissible in each of the cases mentioned in Rule 105 and specifying the places and stations to which clause (*d*) of that rule shall apply. Such rules should be framed with due regard to the time required for actual transit and for the organization of domestic establishment.

*Subsidiary Rules under Rule* 106.

1. Not more than one day is allowed to a Government servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from the station to another.

A holiday or Sunday counts as a day for the purpose of this rule. No joining time is admissible in cases where the change of post does not involve an actual change of office.

2. In cases involving a change of station, the joining time allowed to a Government servant is subject to a maximum of 30 days. Six days are allowed for preparation and, in addition, a period to cover the actual journey calculated as follows:—

(*a*) For that portion of the journey which he travels or might travel—

| | One day for each. | |
|---|---|---|
| By railway .. .. .. | 250 miles. | |
| By ocean steamer .. .. | 200 miles | Or any longer time actually occupied in the journey. |
| By river steamer or by motor or steam launch. | 80 miles | |
| By motor vehicle or horse drawn co veyance. | 80 miles. | |
| In any other way .. .. | 15 miles. | |

(*b*) For any fractional portion of any distance prescribed in clause (*a*), an extra day is allowed.

(*c*) When part of the journey is by steamer, the limit of six days for preparation may be extended to cover any period unavoidably spent in awaiting the departure of the steamer.

(*d*) Travel by road not exceeding 5 miles to or from a railway station at the beginning or end of a journey does not count for joining time.

(*e*) A Sunday does not count as a day for the purpose of calculation in this rule, but Sundays are included in the maximum period of 30 days.

3. By whatever route a Government servant actually travels, his joining time shall, unless the head of the department for special reasons otherwise orders, be calculated by the route which travellers ordinarily use.

4. If a Government servant is authorized to make over charge of a post elsewhere than at its headquarters, his joining time shall be calculated from the place at which he makes over charge.

5. (i) Within the maximum of 30 days, the head of the department may extend the joining time admissible by rule—

(*a*) when the Government servant has been unable to use the ordinary mode of travelling or, notwithstanding due diligence on his part, has spent more time on the journey than is allowed by the rules—to the extent of the time actually taken; or

(*b*) when such extension is considered necessary for the public convenience or for the saving such public expenditure as is caused by unnecessary or purely formal transfers—to the extent necessary; or

(c) when the rules have in any particular case operated harshly; as, for example, when a Government servant through no fault on his part missed a steamer or fallen ill on the journey—to the extent necessary, on such condition as to allowances or otherwise as the head of the department may think fit.

*Note.*—The District Superintendent of Police in the case of subordinates of and below the rank of Sub-Inspectors and Deputy Inspector-General of Police in the case of Inspectors, Sergeants-Major and Sergeants are authorized to extend the joining time under this rule.

(ii) All other cases require the sanction of the State Government.

6. When a Government servant, returning from leave or deputation out of India exceeding four months, takes joining time before joining his post, his joining time shall begin from the date of his arrival at the port of disembarkation, or, if he returns by air from the day following that on which the aircraft in which he returns arrives at its first regular port in India, and be calculated from such port as prescribed in rule 2 ; provided that where the joining time so calculated is less than ten days he may avail himself of joining time for ten days.

If, however, a Government servant on return from such deputation takes leave on average pay not exceeding four months and is transferred on return from leave to a different station from the one from which he proceeded on deputation, he may be granted joining time under Fundamental Rule 105 (*b*) (i).

7. If a Government servant is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment, but no second period of six days for preparation is admissible.

8. If a Government servant takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post must be included in his leave, unless the leave is taken on medical certificate. In the latter case, he may be allowed the joining time calculated for the journey from his old station to the place to which he has proceeded on his route to the new station.

9. If a Government servant is appointed to a new post while on leave on average pay of not more than four months' duration his joining time shall be calculated from his old station or from the place at which he received the order of appointment, whichever calculation will entitle him to the less joining time. If the leave is being spent out of India, and the order of appointment to the new post reaches him before he arrives at the port of debarkation, the port of debarkation is the place in which he received the order for the purpose of this rule.

In cases falling under this rule in which a Government servant joins his post before the expiry of his leave *plus* full joining time admissible, the period short-taken shall be considered as leave not enjoyed and a corresponding portion of the leave sanctioned shall be cancelled without any reference to the authority which granted the leave.

10. The authority which granted the leave will decide whether the notice referred to in Rule 105 (*b*) (ii) was insufficient.

11. When vacation begins or holidays immediately preceding vacation begin, during or immediately after the expiry of the joining time admissible to a Government servant, or when a Government servant is transferred during a vacation, he may be permitted to join at the end of the vacation although the usual joining time is thereby exceeded.

12. When a Government servant under the administrative control of the State Government is transferred to the control of another Government which had made rules prescribing amounts of joining time, his joining time for the journey to join his post under that Government and for the return journey will be governed by those rules.

*Note.*—The authority sanctioning the transfer may, in special circumstances, reduce the period of joining time admissible under the above rules.

## RULINGS.

(1) The rules regarding joining time contained in Chapter XI of the Fundamental Rules are applicable to last grade servants.

(Finance Memorandum No. 35364-1-C.S.R., dated 26th October 1925.)

### Admissibility of joining time and transit pay to copyists.

(2) As the transfer of permanent copyists from one Court to another is in the interest of public service, they are eligible to transit pay and joining time. The transit pay should be calculated on the fixed minimum pay of the copyists, viz., Rs. 20.

Temporary copyists of the Registration Department in the districts of South Malabar, Madras-Chingleput, Salem, Coimbatore, East Godavari and Guntur have been sanctioned transit pay and joining time for journeys on transfer.

[G.O. Mis. No. 1942, Law (General), dated 30th April 1929, G.O. Ms. No. 236, Revenue, dated 27th January 1942, and G.O. Ms. No. 621, Revenue, dated 10th March 1942.]

Temporary section-writers of the Registration Department may be granted transit pay, joining time and travelling allowance for journeys on transfer between two temporary appointments provided that the transfer is in public interests.

[G.O. No. 2025, Revenue, dated 26th July 1954 and Finance Memorandum No. 74635-C.S.R.-2, dated 24th August 1954.]

(3) Permanent piece-work compositors in the Government Presses will, on transfer, be eligible for joining time.

(G.O. Mis. No, 730, Finance, dated 4th October 1929.)

### Transfer of Deputy Collectors in connection with the annual inspection of sub-treasuries.

(4) The posting of a Deputy Collector from one district treasury to another in connection with the annual inspection of sub-treasuries is a case of transfer involving a change of station and the Deputy Collectors so transferred are entitled to full joining time and travelling allowance as on transfer under the rules.

(G.O. No. 1385, Revenue, dated 29th June 1931.)

(5) Transfers which do not involve change of building should not be treated as involving change of office for the purpose of this subsidiary rule and no joining time is admissible in such cases.

*Note.*—It is reasonable to allow joining time of one day in cases where the transfer of charge of the post and taking over by the relieved officer of another post cannot be done in the same morning, even though no change of building is involved. They accordingly authorize the heads of departments to sanction one day's joining time in such cases with reference to the facts of each case.

(G.O. No. 129, Finance, dated 4th March 1936, and Finance Memorandum No. 27287-C.S.R.-1, dated 4th July 1945.)

**Applications for extensions of joining time.**

(6) Applications from gazetted Government servants under the administrative control of the State Government for extensions of joining time should be forwarded through the Accountant-General.

(G.O. No. 918, Public, dated 10th July 1897.)

(7) The Sunday immediately following the joining time when the Government servant returns to duty on the following Monday does not form part of the joining time. It should be affixed to joining time under Rule 68 and the subsidiary rules thereunder.

(8) Joining time for journeys between Vijayavada and Bhadrachalam may be admitted by the route actually used, as no route has been declared as the shortest one between these two places.

The route which travellers ordinarily use, for rail journeys from any station on the Madras-Calcutta line other than Gudur to any station on the Madras-Mangalore line other than Katpadi and *vice versa*, is *via* Madras.

(Finance Memorandum No. 6475-C.S.R.-1, dated 24th February 1938, and G.O. Ms. No. 2366, Home, dated 17th June 1947.)

(9) The period of joining time admissible to a Government servant who proceeds on leave on average pay not exceeding four months from his old post and is at the end of it transferred to a new post at another station where he is spending his leave and receives the order of posting is only one day under subsidiary rule 1 to Rule 106.

[Government of India, Finance Department, letter No. F. 3 (2)-R. I/41, dated 10th March 1941, to the Accountant-General, Central Revenues, and G.O. Ms. No. 153, Finance, dated 9th June 1941.]

(10) For the purpose of subsidiary rule 9, "the period short-taken" should be calculated with reference to the officer's actual date of joining his new post and the assumed date of joining, i.e., the date on which he would have joined his new post had he availed himself of the full period of joining time admissible to him under the rules.

(Letter No. 2162-GHE/516 38, dated 20th October 1939, from the Comptroller and Auditor-General to the Accountant-General, Central Revenues.)

**107.** A Government servant on joining time shall be regarded as on duty and shall be entitled to be paid as follows :—

(*a*) If on joining time under clause (*a*) of Rule 105, he is entitled to the pay which he would have drawn if he had not been transferred, or the pay which he will draw on taking charge of his new post, whichever is less.

*(a-A) Officers of the Educational Department with or without substantive appointments who are deputed to undergo a recognized course of training in a training institution may be allowed pay for the period spent in transit to and from the training institution at rates not exceeding half of the pay they drew prior to their deputation.*

(*b*) If on joining time under clause (*b*) or (*c*) of Rule 105, he is entitled—

(i) when returning from extraordinary leave, other than extraordinary leave not exceeding fourteen days granted in continuation of other leave; if a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules, to subsistence grant; otherwise, to no payments at all.

(ii) when returning from leave of any other kind, to the leave-salary which he last drew on leave at the rate prescribed for the payment of leave-salary in India ;

Provided that the amount of half average pay to be drawn during joining time by a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules returning from leave on half average pay shall be calculated without regard to the limits prescribed in Rule 89.

*Note* 1.—A military officer subject to the military leave rules who retains a lien on his civil post is entitled, on joining time under sub-clause (ii) above, to draw the same amount of leave-salary which he would have drawn had he taken leave under civil leave rules; provided that such leave-salary shall not be less than that which he actually drew during the last portion of his leave.

(iii) when returning from deputation out of India of more than four months' duration, to the pay which he last drew while on deputation.

(*c*) If on joining time under clause (*d*) of Rule 105, he is entitled to pay as though he were on duty in his post.

*Note* 2.—A Government servant on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interests.

RULINGS.

(1) No extra pay (when the transfer involves the grant of extra pay) can be drawn in any case by a relieving Government servant until the transfer is complete; but, as far as ordinary pay and allowances are concerned, an exception may be made to the general rule in all cases in which the charge to be transferred (whether division or subdivision or other charge) consists of several scattered works which the relieving and relieved Government servants are required by the orders of a superior officer to inspect together before the transfer can be completed. The relieving Government servant will be considered as on duty if the period taken in carrying out these inspections is not considered by the Superintending Engineer to be excessive. While so taking over charge, the relieving Government servant will draw—

(i) if he is transferred from a post which he holds substantively, his presumptive pay in that post,

(ii) if he is transferred from a post which he holds in an officiating capacity, the officiating pay admissible in that post provided it is not more than the pay he would draw after the transfer is complete; otherwise, his presumptive pay in the permanent post on which he had a lien prior to transfer,

(iii) if he returns from leave, his presumptive pay in the post on which the Government servant retained a lien during the leave or officiating pay in the case of officiating Government servants who have no lien in any post.

[Finance Memorandum No. 79188-C.S.R.-1, dated 15th October 1953.]

(2) A question arose whether, during the period occupied in handing over and taking over charge of scattered works referred to in ruling (1) above, both the relieved and relieving officers are entitled to free quarters of house-rent allowance in lieu thereof. It has been decided by the Comptroller and Auditor-General of India, in consultation with the Government of India, that the concession of house-rent allowance or free quarters ordinarily admissible to an officer should be treated as "ordinary pay and allowances" within the meaning of the first sentence of ruling (1) above and is admissible to both the relieved and the relieving officers in the circumstances explained above.

(Comptroller and Auditor-General's letter No. T-128-A/11/35, dated 9th May 1935.)

(3) Peons should be considered to come within the scope of Note 2 to Rule 107.

(G.O. No. 6?8, Finance, dated 5th August 1926.)

(4) Permanent piecework compositors in the Government Presses, will, during joining time, be eligible for the transit pay calculated on the average monthly earning during the twelve complete months preceding the month in which the transfers take place.

(G.O. Mis. No. 730, Finance, dated 4th October 1929.)

(5) The words "if he had not been transferred" in clause (*a*) of Rule 107 should be interpreted as if they read "if he had continued in the old post."

[Government of India, Finance Department, No. F-15 (35) R.-I/31, dated 7th December 1931.]

(6) For a Government servant who, while officiating in one post, is appointed to officiate in another, the period of joining time spent in proceeding from one post to the other should be treated as duty in the post, the pay of which the Government servant draws during the period and will count for increments in the same post under Rule 26 (*a*).

For a Government servant who, while officiating in a post, proceeds on training or to attend a course of instruction and who is treated as on duty, while under training the period of such duty will count for increment in the post in which he was officiating prior to his being sent for training or instruction if he is allowed the pay of the officiating post during such period.

(7) In the case of a Government servant who proceeds on leave from an officiating post and who joins, after the expiry of leave, another officiating post, on the same time-scale, the period of joining time under Rule 195 (*b*) and (*c*), though treated as duty under Rule 9 (6) (*a*) (ii), should not be treated as duty for the purpose of increment in an officiating post, as only leave-salary is drawn for the period.

The above ruling will not apply in respect of a Government servant returning from leave on average pay not exceeding four months provided that he would have continued to officiate in the post but for his going on leave and that the leave plus joining time does not exceed four months.

[Finance Memorandum No. 79689-C.S.R.-2, dated 27th January 1953, and Memorandum No. 100619-C.S.R.-3, dated 16th November 1954.]

(8) For the purposes of Rule 107 (*a*), "pay" should be taken to be as defined in Rule 9 (21).

(9) The words "in his post" occurring in Rule 107 (*c*) mean "in his post in the remote locality" even in the case of a Government servant on straight transfer.

[Government of India, Ministry of Finance, letter No. F. 3 (6) R.-I/35, dated 19th February 1937.]

(10) Whenever a Government servant officiating in a higher post is in transit consequent on reversion to his substantive post, but is subsequently reappointed to the same officiating post, before taking charge of the substantive post, the claim for "transit pay" should be based only on his substantive pay and such period of joining time will not count for increment in the officiating post.

(11) Military officers in civil employ who, before reversion to military duty, avail leave under Rule 100 are eligible to joining time and joining time pay under the civil rules. The joining time pay is chargeable to civil estimates.

(Comptroller and Auditor-General's letter No. T. 254-A/123/38, dated 27th May 1939.)

(12) The period spent by the members of the Madras Electrical Subordinate Service, appointed by direct recruitment, in taking over charge on their first appointments, should be treated as duty and they should be paid the pay and allowances admissible to such posts.

[Finance Memorandum No. 86068-C.S.R.-2, dated 26th November 1953.]

(13) A Government servant will be allowed during the period of taking over charge on return from leave of a post carrying Madras House Allowance, the same rate of Madras House Allowance which he was drawing while proceeding on leave and during the period of leave.

[Finance Memorandum No. 94566-A-C.S.R.-1, dated 10th December 1953.]

**108.** A Government servant who does not join his post within his joining time is entitled to no pay or leave-salary after the end of the joining time. Wilful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of **Rule 15.**

**108-A.** A person in employment other than Government service or on leave granted from such employment, if in the interests of Government he is appointed to a post under a local Government may, at the discretion of the local Government, be treated as on joining time while he prepares for and makes the journey to join the post under the Government, and while he prepares for and makes the journey on reversion from the post under Government to return to his original appointment. During such joining time he shall receive pay equal to the pay, or, in the case of joining time immediately following leave granted from the private employment, to the leave-salary, paid to him by his private employer prior to his appointment to Government service, or pay equal to the pay of the post in Government service, whichever is less.

## PART VII.

## CHAPTER XII—FOREIGN SERVICE.

**109.** The rules in this chapter apply to those Government servants only who are transferred to foreign service after these rules come into force. Government servants transferred previously will remain subject to the rules in force at the time of transfer.

*Note.*—Government servants who were transferred to foreign service before the 1st January 1922 are entitled to take the benefit of the new rules contained in Chapter X, and will be adjudged to have elected to do so, if they do not exercise the option given by Fundamental Rule 78. To cover cases in which such Government servants come under the new leave rules, the Government of India have ruled—

(i) that their pay in foreign service shall be treated as pay for the purpose of calculating leave-salary; and

(ii) that the existing obligation of foreign employers to pay a portion of leave allowances during privilege leave shall be held to continue during the first four months of any period of leave on average pay.

(Government of India, Finance Department, Resolution No. 35-E-B, dated 18th January 1922 and G.O. No. 115, Finance, dated 3rd February 1922.)

The expression "their pay in foreign service" mentioned in clause (i) above means "the pay drawn in foreign service less such part of it as may be paid as contribution." In the case of officers who are exempted from the payment of contribution, leave-salary should be based on the actual pay in foreign service without regard to the contribution which would have been paid but for the exemption.

(Government of India, Finance Department, Endorsement No. 1185-F-B, dated 29th September 1922 and G.O. No. 851, Finance, dated 7th October 1922.)

### RULINGS.

**Government servants on foreign service prior to 1st January 1922 and coming under the new rules.**

(1) The rules apply to those Government servants only who are transferred to foreign service after the 1st January 1922. Those transferred previously remain subject to the rules in force at the time of transfer. Government servants of the latter class are, however, entitled to take the benefit of the other rules in the Fundamental Rules and will be adjudged to have elected to do so if they do not exercise the option

given by Rule 58. To cover cases in which such Government servants came under the new leave rules it has been ruled—

(i) that their pay in foreign service shall be treated as pay for the purpose of calculating leave-salary, and

(ii) that the existing obligation of foreign employers to pay a portion of leave allowances during the privilege leave shall be held to continue during the first four months of any period of leave on average pay.

(2) Rule 109 applies only to the original period beginning before and terminating after 1st January 1922. Any further extension should be treated as a fresh transfer and governed by the Fundamental Rules. This principle will apply also as to the date from which the new rates of contribution will apply as prescribed in Government of India, Ministry of Finance, letter No. 64-E-B, dated the 27th January 1922. The terms of extensions commencing after 1st January 1922 already sanctioned will not be affected by this order, unless the foreign employer was specifically warned of the liability to the revision.

(G.O. Ms. No. 772, Finance, dated 30th July 1923.)

(3) Officers to whom the Fundamental Rules do not apply transferred to foreign service after the 28th February 1924, the rules regarding contributions, leave-salary and pension shall be the same as those applicable to Government servants whose employment on foreign service is governed by the Fundamental Rules. For this purpose, transfer to foreign service includes an extension of the term of employment of an officer who is already on foreign service.

(Government of India, Finance Department, Resolution No. 323-C.S.R., dated 28th February 1924.)

**110.** (*a*) No Government servant may be transferred to foreign service against his will.

(*b*) A transfer to foreign service outside India may be sanctioned by the Governor-General in Council.

(*c*) Subject to any restrictions which the Governor-General in Council may by general order impose in the case of transfer to the service of an Indian State, a transfer to foreign service in India may be sanctioned by the local Government under which the Government servant transferred is serving.

*Note.*—The restrictions imposed by or under clauses (*b*) and (*c*) of Fundamental Rule 110 on the powers of the State Government do not apply in relation to Government servants under their rule-making control.

*Delegations under Rule* 110 (*c*).

1. The Board of Revenue may sanction transfer of non-gazetted Government servants under its control to foreign service in the Madras State including service under Indian States in political relations with the Madras Government.

2. The Director of Medical Services may sanction transfer of medical officers and subordinates of and below the rank of Assistant Surgeon to foreign service in the Madras State.

3. The Registrar of Co-operative Societies may sanction the transfer of non-gazetted Government servants under his control to foreign service in the Co-operative Institutions in the Madras State. The Joint Registrar of Co-operative Societies may sanction the transfer of Junior and Senior Inspectors of Co-operative Societies to foreign service in the Co-operative Institutions in the Madras State.

4. The Director of Public Health may sanction the transfer of second-class Health Officers to foreign service under local bodies.

5. The Director of Public Instruction may sanction the transfer of non-gazetted Government servants under his control to foreign service under local bodies and private bodies.

6. The Inspector of Municipal Councils and Local Boards may sanction the transfer of non-gazetted staff under his control to foreign service under local bodies.

**RULINGS.**

**Foreign service in Nepal is foreign service outside India.**

(1) For the purpose of the "Foreign service" rules, Nepal should be treated as outside India.

(G.I., F.M., U.O. Memo. No. F. I-XI-R. 1-28, dated 20th June 1928.)

**Authority competent to sanction the transfer to foreign service of Divisional Accountants.**

(2) The Government which would be entitled to recover the pension contribution on behalf of a Government servant lent to foreign service should be regarded as the State Government competent to sanction his transfer to foreign service for the purpose of Rule 110 (c).

[Controller of Civil Accounts' letter No. 2369-NGE-521-29, dated 11th November 1929.]

(3) *Delegation.*—This extends to all subordinates of offices and departments under the Board's control.

For transfers to Indian States sanctioned by the Board of Revenue it may be presumed that the consent of the Finance Department has been given.

(G.O. Mis. No. 485, Finance, dated 30th May 1923.)

**111.** A transfer to foreign service is not admissible unless—

(*a*) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant, and

(*b*) the Government servant transferred holds, at the time of transfer, a post paid from general revenues, or holds a lien on a permanent post, or would hold a lien on such a post had his lien not been suspended.

*Note* 1.—The Government of India have held that the transfer of a temporary Government servant to foreign service is permissible.

(Government of India letter No. F. 66-C.S.R., dated 22nd July 1924, recorded in G.O. Ms. No. 611, Finance, dated 22nd August 1924.)

*Note* 2.—The loan of a Government servant to a private undertaking is to be regarded as a very exceptional measure requiring special justification on a rigorous application of the principle enunciated in clause (*a*) of this rule.

**RULING.**

**Government servants on probation.**

The transfer to foreign service from the date on which an individual is appointed to a post under Government on probation is permissible.

(The Comptroller and Auditor-General's No. T. 1191-A-204/26, dated 22nd August 1924.)

**112.** If a Government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave-salary.

**RULINGS.**

(1) The following rules apply to officers accepting employment under an Indian State, while on leave preparatory to retirement:—

In the case of an officer on leave preparatory to retirement on proportionate pension, service under an Indian State, if permitted by the

Government of India, should be treated as being private employment unless in any special cases the circumstances are such that the Government of India think it right to treat the officer, as one for whom an alternative career has been found by them. In the latter case the officer would not be on leave, the service should be treated as foreign service counting for pension, contribution should be taken from the State concerned and the proportionate pension should remain in suspense.

Officers about to retire on ordinary pension should be treated on similar lines (*i.e.*)—

(*a*) In the usual course (*e.g.*, that an officer who has reached or is approaching the age of superannuation), the officer, notwithstanding his employment with the permission of the proper authority in an Indian State, should be allowed to take any leave which would be admissible to him had he not accepted such employment and pension contribution should not be required.

(*b*) In exceptional cases acceptance of employment might be made conditional on the officer remaining in Government service and being placed on the usual foreign service terms.

(G.O. No. 463, Finance, dated 21st May 1923.)

(2) The concession of treating employment in an Indian State during leave preparatory to retirement as private employment should not be granted to officers who are already in foreign service and propose to continue on duty in the service of the same employer during the leave.

The concession should not also be granted to officers retiring on proportionate pension, or before reaching the age of superannuation, if they take leave after being offered, or having made arrangements for employment in a State, and that in such cases they should be required either to retire or go on foreign service terms.

(G.Os. Ms. No. 18, Finance, dated 21st January 1932, and No. 60, Finance, dated 29th January 1934.)

*Note.*—The expression "the concession should not be granted to officers retiring on proportionate pension or before reaching the age of superannuation" should be interpreted to mean that the concession should not be granted (i) to officers retiring on proportionate pension and (ii) to officers retiring before reaching the age of superannuation: that is, the concession is admissible only when the following ingredients occur (i) premature retirement and (ii) the previous offer, or arrangement, of employment in an Indian State.

The concession of drawing leave salary as well as pay from the Indian State is permissible when the leave is the last leave taken before or after reaching the age of superannuation, except when the officer is already in foreign service when he applies for such leave.

In case, however, of an officer who is under Rule 56 (*c*) (IV) (3) compelled to retire from active service after five years tenure of his post (unless reappointed) even though he has not reached the age of superannuation, the Government of India have decided that there is no objection to his drawing leave salary in addition to pay from a State provided the leave is the last leave taken before the date of such compulsory retirement.

[G.O. Ms. No. 709, Finance, dated 20th November 1935, and Government of India, Home Department, No. F. 61/2-36-Public, received with Government of India, Finance Department Endorsement No. F.I. (II) R.I. 36, dated 18th June 1936.]

### Extension of the above rule to all foreign service.

(3) These decisions may be taken as applying to all foreign service and not only to service in an Indian State.

(Government of India, Finance Department No. 957-C.S.R., dated 13th June 1923; Comptroller and Auditor-General's Endorsement No. 701-A/189-23, dated 8th June 1923.)

### Acceptance of employment under private employers.

(4) The sanction of the Government of India will be required only in the case of officers of All-India Services desiring to accept private employment, and no reference need be made to them in the case of officers appointed by the State Government or any lower authority.

(G.O. No. 814, Public, dated 23rd October 1923.)

**Acceptance of State employment by officers on leave preparatory to retirement.**

(5) Officers on leave preparatory to retirement desiring to take up State employment, shall have the option of retiring forthwith or of remaining on leave, until the leave admissible is exhausted, on condition that during such employment their leave salary will be restricted to the amount of pension admissible to them on retirement.

[India Office, Home Department No. S. and G. 4082/39, dated 21st August 1939, communicated in G.I. Finance Department No. F. 7 (58)-R. 1/39, dated 21st September 1939.]

**113.** A Government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer and may be given such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall take into account—

(*a*) the nature of the work performed in foreign service, and

(*b*) the promotion given to juniors in the cadre in which the question of promotion arises.

**114.** A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to any restrictions, which the Governor-General in Council may by general order impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

*Delegations under Rule* 114.

1. The Board of Revenue, the Director of Medical Services, the Director of Public Instruction, the Registrar of Co-operative Societies and the Joint Registrar of Co-operative Societies have power to fix the pay in foreign service of Government servants whose transfer to such service they are empowered to sanction, subject to the following conditions:—

(*a*) The pay does not exceed by more than 25 per cent of the pay admissible from time to time in the cadre in which the Government servant concerned held a post prior to his transfer.

(*b*) No concessions are sanctioned in addition to pay, except—

(i) Payment of leave and pension contributions by the foreign employer.

(ii) Grant of travelling allowance under the subsidiary rules.*

(iii) Grant of Madras house allowance, house-rent allowance, unhealthy localities special pay, hill allowance and other compensatory allowances by the Registrar of Co-operative Societies and the Joint Registrar of Co-operative Societies at the appropriate rates provided that—

(1) such allowances are specifically admissible under the rules to Government servants stationed in the same localities, and

(2) the foreign employer meets the cost of such allowances.

(*c*) In the case of medical officers and subordinates lent to local bodies the pay shall be that admissible in the cadres in which they held posts prior to their transfer, but such compensatory allowances as are attached to the posts in foreign service may be permitted to be drawn.

2. The powers of the Director of Public Health to transfer second-class Health Officers to foreign service under local bodies shall be subject to the condition that no concession is sanctioned in addition to the grade pay of the officers except—

(i) payment of leave and pension contributions by the local body, and

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* Madras Manual of Special Pay and Allowances—Part II.

(ii) grant of travelling allowance under the Madras Travelling Allowance Rules.

*Note* 1.—The travelling allowance of a Government servant both in respect of the journey on transfer to foreign service and the journey on reversion therefrom to Government service will be borne by the foreign employer.

*N.B.*—The above note applies even in cases where the Government servant lent takes leave on reversion before joining duty under Government.

*Note* 2.—The President of the Republic of India has issued the following orders regulating the amount of remuneration which may be sanctioned by a State Government for a Government servant transferred to foreign service in an Indian State and has decided that these orders should also apply to Government servants lent to other foreign employers in India.

*These orders will apply to all Government servants who are not under the rule-making control of the State Government and to Government servants under the rule-making control of the State Government when a transfer to foreign service in an Indian State is involved.*—(1) When the transfer of a Government servant to foreign service in an Indian State is sanctioned, the pay which he shall receive in such service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration, or enjoy any concession of pecuniary value, in addition to his pay proper, the exact nature of such remuneration or concession must be similarly specified. No Government servant will be permitted to receive any remuneration or enjoy any concession which is not so specified; and, if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.

(2) No order of transfer to foreign service shall be issued by a State Government without previous consultation with its Finance Department It shall be open to that department to prescribe, by general or special order, cases in which its consent may be presumed to have been given.*

(3) The following two general principles must be observed by State Governments, in sanctioning the conditions of transfer:—

(*a*) The terms granted to the Government servant must not be such as to impose an unnecessarily heavy burden on the Indian State which employs him.

(*b*) The terms granted must not be so greatly in excess of the remuneration which the Government servant would receive in Government service as to render foreign service appreciably more attractive than Government service.

(4) Provided that the two principles laid down in paragraph (3) above are observed, a State Government may sanction the grant of the following concessions by the foreign employer. Such concessions must not be sanctioned as a matter of course, but in those cases only in which their grant is in accordance with local custom and the wishes of the Durbar and is, in the opinion of the State Government, justified by the circumstances. The value of the concessions must be taken into account in determining the appropriate rate of pay for the Government servant in foreign service:—

(*a*) The payment of contributions towards leave-salary and pension under the ordinary rules regulating such contributions.

(*b*) The grant of travelling allowance under the ordinary travelling allowance rules of the State Government or under the local rules of the Durbar, and of permanent travelling allowance, conveyance allowance and horse allowance.

(*c*) The use of State tents, boats, and transport on tour provided that this is accompanied by a corresponding reduction in the amount of travelling allowance admissible.

(*d*) The grant of free residential accommodation which may be furnished in cases in which the State Government considers this to be desirable, on such scale as may seem proper to the State Government.

(*e*) The use of State motors, carriages and animals.

* Vide subsidiary rule under Fundamental Rule 7.

(5) The grant of any concessions not specified in paragraph (4) above requires the sanction of the President of the Republic of India.

(Letter from the Government of India, Finance Department, No. 1860-E.B., dated 10th December 1921.)

(6) The terms and conditions of appointment of officers sent out on deputation to Part B States are laid down below:—

*Schedule showing the terms and conditions of appointment of officers sent out on deputation to Part B States.*

I. *Chief Secretaries.*—A uniform rate of Rs. 3,000 per mensem of officers of 15 years' service and above and Rs. 2,750 per mensem for officers who have not completed 15 years' service.

II. *Inspectors-General of Police.*—In the case of officers who have been confirmed as Deputy Inspectors-General in their parent Part A States, the pay of the Inspector-General of Police in the parent State. In all other cases, gross pay, in their own cadres plus a special pay at 25 per cent of their gross pay.

III. *All other posts.*—Officers should be allowed their gross pay plus a special pay at 25 per cent of their gross pay.

Gross pay for this purpose will be—

(*a*) the gross pay which the officer would have drawn in his parent cadre (while hypothetical prospects of promotion will be ignored, in appropriate cases the principle of " next below " rule will be taken into consideration); and

(*b*) in the case of an officer holding an ex-cadre or selection post, the gross pay drawn by him at the time of his being sent on deputation provided that such pay was drawn continuously for a period of three months or over and there was likelihood of its being drawn for a reasonable period.

IV. *Income-tax.*—All salaries will be subject to income-tax at Central Government rates

V. *Free house and free car.*—No free houses or free cars will be allowed. Rent will be charged for Government quarters either according to the rules admissible to an officer in his parent State or the rules in the Part B State concerned, whichever is more favourable to the officer. Where an officer is given a Government car, he will pay Rs. 100 per mensem as hire towards the capital cost of the car. In addition he will be responsible for maintaining it at his own expense, i.e., he will himself meet the cost of petrol, repairs, etc., and pay the wages of driver, if any, etc.

VI. *Scope of the revised terms.*—The revised terms will apply not only to the officers who may be deputed to Part B States hereafter but also to officers, who are already serving there. In the case of the latter category of officers, the new terms will come into effect from 1st January 1951. These terms would not apply to officers deputed as Ministers whose terms will be settled in each case separately.

*Note.*—These conditions and terms will also apply to officers of the Madras Government, deputed to the Hyderabad State, except in the case of officers and men of the Malabar Special Police, the Special Armed Police and all non-gazetted personnel. The Hyderabad Government may grant deputation allowance up to 40 per cent of gross pay to officers working in the disturbed districts of Hyderabad, e.g., Warrangal, Nalgonda, Mahbubnagar and Karimnagar districts, if they consider it essential to grant such a concession.

(G.Os. Ms. No. 587, Finance, dated 18th May 1951, Ms. No. 775, Finance, dated 10th July 1951 and Ms. No. 218, Finance, dated 26th February 1952.)

*Note* 3.—When a Government servant is transferred to foreign service under a private employer, the authority sanctioning the transfer should require the employer to deposit security equivalent to three months' pay of the Government servant in foreign service.

For this purpose, the term "private employer" will not include the Reserve Bank of India, Municipalities, District Boards, Universities, Company-worked Railways, the Court of Wards, religious institutions under the control of the Hindu Religious and Charitable Endowments (Administration) Department, the Indian Central Cotton Committee, the Indian Central Coconut Committee, the Indian Central Tobacco Committee, the Indian Central Arecanut Committee, the Indian Council of Medical Research and the Indian Council of Agricultural Research.

*Note* 4.—The whole expenditure in respect of any compensatory allowance, for periods of leave in or at the end of foreign service, shall be borne by the foreign employer.

## RULINGS.

### Procedure on retirement of Government servants on foreign service.

(1) When any Government servant lent on foreign service conditions retires from Government service, without at the same time retiring from the service of his foreign employer, the Audit Officer shall communicate to the foreign employer through the usual authorities a statement showing the date of retirement and the amount of pension drawn from the Union or State Government, as the case may be, so as to give the foreign employer the opportunity, if he be so inclined, of revising the existing terms of employment.

### Fixation of pay in foreign service and on appointment to temporary Government posts.

(2) When an officer in receipt of overseas pay is granted, on transfer to foreign service in India or on the occasion of extension of period thereof or on appointment to a temporary Government post, an increase over his substantive pay in the regular line and the increase is expressed as a percentage of substantive pay, the percentage should be applied only to the basic pay drawn by the officer in the regular line and not to his overseas pay. This decision applies equally to sterling and rupee overseas pays and to officers of Asiatic and non-Asiatic domicile.

(Government of India, Finance Department, No. F. I (29) R. 1/39, dated 21st September 1939.)

**115.** (*a*) While a Government servant is in foreign service, contributions towards the cost of his pension must be paid to general revenues on his behalf.

(*b*) If the foreign service is in India, contributions must be paid on account of the cost of leave-salary also.

(*c*) Contributions due under clauses (*a*) and (*b*) above shall be paid by the Government servant himself, unless the foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.

(*d*) By special arrangement made under Rule 123 (*b*), contributions on account of leave-salary may be required in the case of foreign service out of India also, the contributions being paid by the foreign employer.

*Note* 1.—Pensions, throughout this chapter, include Government contributions, if any, payable to a Govenment servant's credit in a provident fund.

*Note* 2.—In the case of Government servants lent to His Majesty's Government or to British colonies or protectorates, the contribution is payable by the employer, except in the case of Government servants lent to the War Office, whose contributions are paid in accordance with special arrangements with the War Office.

**116.** The rate of contributions payable on account of pension and leave salary shall be such as the Governor-General in Council may by general order prescribe.

*Resolution of the Government of India, Finance Department, No. F 81-R-1-24, dated 11th February 1929.*

1. In supersession of the rates of contribution for pension and leave salary, fixed in this Department letters No. 64-E.B., dated the 27th January 1922, and No. F-81-C.S.R./24, dated the 4th August 1924, for officers other than military officers in foreign service, the Governor-General in Council is pleased to prescribe, with reference to Fundamental Rules 116 and 117 as amended by the Secretary of State in Council in his Resolution, dated the 5th September 1928, and published with this Department Resolution No. F. 81-R-1/24, dated the 1st November 1928, the rates of contributions shown in the annexure to this resolution. The general principles on which the revised rates have been calculated are explained below.

2. The rates of contribution for pension have been based on the pensionary benefit admissible to an officer according to the service or the grade to which he belongs instead of on the actual pay drawn in foreign service, as was the case with the rules which are now being superseded. The pensionary benefit admissible to a member of the Indian Civil Service has been taken at £1,000 per annum, which is the amount of full pension earned by him after 25 years' service; and to a member of any of the Superior Civil Service other than the Indian Civil Service, Rs. 8,800 per annum which is made up of Rs. 7,000 earned by him as ordinary pension after 30 years' service, and Rs. 1,800 the estimated amount of additional pension which is earned on the average by members of these services who are transferred to foreign service. The pensionary benefit admissible to a member of a Provincial Subordinate Service has been taken to be one-half of the maximum pay of the grade substantively held by him in Government service. The reason for calculating the rates of contribution in respect of members of these two classes of services in a manner different from that adopted in the case of other service is that in their case pension is not subject to any fixed maximum. The rates have been calculated in sterling where the pension is a sterling pension or is payable in sterling at a privileged rate of exchange, and the calculations have been so made as to provide a sliding scale of contribution according to length of service roughly parallel to the annual increase of pay in Government service.

3. The rates of contribution for leave-salary have been calculated as before on the basis of actual pay drawn in foreign service. The increase in these rates is due to the fact that, when the previous rates were calculated, the more liberal leave rules of 1920 and 1922 had just been introduced, and there were no data on which to base an estimate

of the amount of leave which an officer would normally take under these rules. It has now become possible to gauge with fair accuracy the amount of leave taken by officers of the various services, and the revised rates are based equitably on recent experience.

4. The rates of interest adopted in the calculations is 4½ per cent per annum, and the rates of mortality assumed for the various classes of Government servants are based on expert actuarial advice.

5. The revised rates take effect from the 1st March 1929. The question, however, of the rates at which contribution for pension will be recovered in the case of Government servants transferred to foreign service before the 5th September 1928, who do not belong to the superior services and who retire either directly at the end of their present sanctioned term of foreign service or within three years of its conclusion and are entitled, in accordance with the provisions of the old Fundamental Rule 116, to a pension calculated wholly or partly, as the case may be, on their pay in foreign service, is still under consideration and the decision arrived at will be announced in due course.

*Resolution of the Government of India, Finance Department, No. F.-1 (1)-R-1/37, dated New Delhi, the 1st December 1938.*

1. In supersession of the rates of contribution for pension and leave-salary promulgated with the resolution of this department No. 61-R. 1/24, dated the 11th February 1929, as amended by Resolution No. D. 464-R. II, dated the 15th February 1930, in respect of officers other than military officers in foreign service, the Governor-General in Council is pleased to prescribe, with reference to Fundamental Rules 116 and 117, the rates of contribution set out in the annexure to this resolution. Except to the extent indicated in paragraphs 2 and 3 below, the general principles on which the revised rates have been calculated are the same as were stated in the resolutions referred to above.

2. (a) For the purpose of contribution for pension, Government servants have been reclassified in the following six grades:—

(1) Members of the Indian Civil Service with non-Asiatic domicile.

(2) Members of the Indian Civil Service with Asiatic domicile.

(3) Members of the other All-India and Class I Central Services with non-Asiatic domicile.

(4) Members of the other All-India and Class I Central Services with Asiatic domicile.

(5) Members of the Class II Central Services.

(6) Members of the Subordinate Central Services.

(b) The rate of interest adopted in the calculations of contribution for pension is 3¾ *per cent per annum instead of* 4½ *per cent per annum* adopted in 1929, and accounts for the increase in the rates of contribution.

(*c*) The rates of mortality assumed for the various classes of Government servants are slightly different from those adopted in 1929 and are based on expert actuarial advice.

3. For the purpose of contribution for leave salary also, the classification of Government servants governed by leave rules other than the Revised Leave Rules, 1933, has been modified as shown in the annexure.

4. The rates of contribution for leave salary in respect of officers governed by the Revised Leave Rules are still under consideration and will be promulgated as soon as possible (since promulgated).

5. The revised rates will take effect from the 1st of January 1939.

6. A Government servant who is a subscriber to the Contributory Provident Fund (India) and who is transferred to foreign service shall pay monthly subscriptions calculated on the rate of pay drawn in foreign service. The foreign employer or the officer himself according to the arrangement made under clause (*c*) of Fundamental Rule 115, shall pay, in addition for the period of active foreign service, at such times as Government may prescribe in each case, a contribution determined by the formula X + XY, where X equals the amount which would have been credited monthly to the subscriber's account in the Provident Fund had he not proceeded on foreign service, the rate of pay drawn by him in foreign service being regarded as his "emoluments" for this purpose, and Y equals the fraction which the amount recoverable as leave-salary contribution bears to pay drawn in foreign service.

*Note.*—The above procedure shall be followed in respect of Government servants under the rule-making control of the Madras Government.

*Extract of paragraph 2 of Government of India, Finance Department, Letter No. 81-R-1/24, dated 4th June* 1931.

* * * * *

The Government of India have now considered the question referred in paragraph 5 of this Department Resolution of the 11th February 1929, the consideration of which deferred till a settlement was effected with the Government of Iraq and on the analogy of the settlement made with that Government. Contribution for pension should, in the case of officers belonging to the category mentioned in that paragraph and serving elsewhere than in Iraq, also be recovered, with effect from the 1st March 1929, in accordance with the rates prescribed in that Resolution. In respect of the period prior to the 1st March 1929, it is not proposed to make any adjustments with other foreign employers, whether in or out of India of contributions in respect of Government servants lent to them.

* * * * *

6. The rates of contribution for pension and leave-salary in respect of military officers in foreign service are at present under revision and will be promulgated as soon as possible.

*Extract of Government of India, Finance Department, Resolution No. F. 1-XV-R.I./30, dated 29th June 1933.*

With reference to paragraph 6 of this Department Resolution N. F. 81-R. 1/24, dated the 11th February 1929, the Governor-General in Council is pleased to prescribe, under Fundamental Rule 116, the rates mentioned in the annexed schedule for the purpose of recovery of contribution for pension and leave-salary in respect of military officers and other ranks in permanent civil employ who are transferred to foreign service. These revised rates shall have effect from the 1st July 1933, and shall also apply, with effect from the same date, to military officers and other ranks already in foreign service except those who were transferred to such service, before the 27th January 1922, in the case of military commissioned officers, and before the 28th February 1924, in the case of others, in whose case there has been no extension of the period of foreign service and consequently contributions on whose behalf are still recovered in accordance with the old Civil Service Regulation rates.

2. These rates, which will be payable only during active foreign service, cover, in all cases the liability for the ordinary, disability and family pensions and gratuities (including the disability and family persons at double rates and the gratuity admissible under paragraph 94—Pension Regulations, India, in respect of military officers; the special and mustering out pensions and gratuities and gratuity admissible under paragraph 258, *ibid.*, in respect of Indian ranks; and invalid pensions and gratuities in respect of military sub-assistant surgeons) which may be admissible, under the ordinary rules of their service, as they stand from time to time, in respect of officers or other ranks transferred to foreign service in any circumstances whatsoever.

*Extracts of Government of India, Finance Department, Resolution No. F. 1 (II) R.I./39, dated 19th April 1939.*

In partial modification of the Schedule appended to this Department's Resolution No. F. I-XV-R.I. /30, dated the 29th June 1933, as amended by this Department's Resolution No. F.1 (6)-R.I./36, dated the 1st April 1936, the Governor-General in Council is pleased to direct under Fundamental Rule 116, that the rates of contributions for pension, mentioned in the annexure, shall apply to Military Commissioned Officers other than Indian Commissioned Officers and Viceroy's Commissioned Officers, in permanent civil employ, who are transferred to foreign service in or out of India on or after the 1st April 1939, or who are already in such foreign service on that date, in substitution of the rates laid down in clause (*a*) (i) of the said Schedule.

2. These rates, which will be payable only during active foreign service, in all cases, the liability for the ordinary disability and family pensions and gratuities (including the disability and family pensions at double rates and the gratuity admissible under paragraph 94—Pension Regulations, India), in respect of military officers transferred to foreign service in any circumstances whatsoever.

ANNEXURE.

(a) (i) Rates of monthly contribution for pension payable during active foreign service in respect of Military Commissioned Officers other than Indian Commissioned Officers and Viceroy's Commissioned Officers—

| Length of service in years. | Rate of contribution. £ | s. | Length of service in years. | Rate of contribution. £ | s. |
|---|---|---|---|---|---|
| 0–1 .. .. .. .. | 8 | 4 | 15–16 .. .. .. .. | 23 | 12 |
| 1–2 .. .. .. .. | 9 | 5 | 16–17 .. .. .. .. | 24 | 12 |
| 2–3 .. .. .. .. | 10 | 5 | 17–18 .. .. .. .. | 25 | 13 |
| 3–4 .. .. .. .. | 11 | 6 | 18–19 .. .. .. .. | 26 | 14 |
| 4–5 .. .. .. .. | 12 | 6 | 19–20 .. .. .. .. | 27 | 14 |
| 5–6 .. .. .. .. | 13 | 7 | 20–21 .. .. .. .. | 28 | 15 |
| 6–7 .. .. .. .. | 14 | 7 | 21–22 .. .. .. .. | 29 | 15 |
| 7–8 .. .. .. .. | 15 | 8 | 22–23 .. .. .. .. | 30 | 16 |
| 8–9 .. .. .. .. | 16 | 8 | 23–24 .. .. .. .. | 31 | 16 |
| 9–10 .. .. .. .. | 17 | 9 | 24–25 .. .. .. .. | 32 | 17 |
| 10–11 .. .. .. .. | 18 | 9 | 25–26 .. .. .. .. | 33 | 17 |
| 11–12 .. .. .. .. | 19 | 10 | 26–27 .. .. .. .. | 34 | 18 |
| 12–13 .. .. .. .. | 20 | 10 | 27–28 .. .. .. .. | 35 | 18 |
| 13–14 .. .. .. .. | 21 | 11 | 28–29 .. .. .. .. | 36 | 19 |
| 14–15 .. .. .. .. | 22 | 11 | Over 29 .. .. .. .. | 37 | 19 |

*Note.*—The term "length of service" includes all service as warrant officer, class I, and half of any pensionable service in lower ranks which counts as commissioned service for the purpose of pension in accordance with paragraph 11, Pension Regulations, India.

(ii) Rate of monthly contribution for leave-salary—16-2/3 or 15 per cent of pay drawn in foreign service, according as the officer is of non-Asiatic or Asiatic domicile.

(b) Rates of monthly contributions in respect of Departmental officers and Warrant officers of the India Unattached List and Indian Medical Department and British Non-Commissioned Officers and men on the Indian establishment—

| | | |
|---|---|---|
| For leave salary | ... | 12½ per cent of pay drawn in foreign service. |
| For pension ... | ... | One-sixth of pay drawn in foreign service. |

(c) Rates of monthly contributions in respect of Indian Officers with Viceroy's Commission (including those holding Honorary King's Commission), Non-Commissioned Officers and men—

| | | |
|---|---|---|
| For leave salary | ... | One-twelfth of pay drawn in foreign service. |
| For pension ... | ... | One-sixth of pay drawn in foreign service. |

* * * * *

7. A Government servant who is a subscriber to a Contributory Provident Fund and who is transferred to foreign service shall, if he is allowed to retain that privilege, pay monthly subscriptions calculated on the rate of pay drawn in foreign service. The foreign employer, or the officer himself, according to the arrangement made under clause (c) of Fundamental Rule 115, shall pay, in addition, at such time as Government may prescribe in each case, a contribution calculated on the monthly subscriptions so determined and equal in amount to what Government would have credited to the subscriber's account on that basis.

## ANNEXURE.

*Rates of monthly contribution for pension payable during active foreign service in respect of*

| Length of service in years. | Members of the Indian Civil Service with non-Asiatic domicile. | | Members of the Indian Civil Service with Asiatic domicile. | | Members of the other all-India and Class I Central Services with non-Asiatic domicile. | | Members of the other all-India and Class I Central Services with Asiatic domicile. | Members of the Class II Central Services. | Members of the Subordinate Central Services. |
|---|---|---|---|---|---|---|---|---|---|
| (1) | (2) | | (3) | | (4) | | (5) | (6) | (7) |
| | £ | s. | £ | s. | £ | s. | Rs. | | |
| 0— 1 year .. | 8 | 14 | 7 | 5 | 6 | 9 | 63 | 5 per cent of the maximum monthly pay of the grade substantively held. | 4 per cent of the maximum monthly pay of the grade substantively held. |
| 1— 2 .. | 10 | 3 | 8 | 9 | 7 | 5 | 70 | 5 do. | 4 do. |
| 2— 3 .. | 11 | 12 | 9 | 14 | 8 | 2 | 78 | 5 do. | 5 do. |
| 3— 4 .. | 13 | 1 | 10 | 18 | 8 | 18 | 86 | 6 do. | 5 do. |
| 4— 5 .. | 14 | 10 | 12 | 2 | 9 | 14 | 94 | 6 do. | 5 do. |
| 5— 6 .. | 15 | 19 | 13 | 6 | 10 | 10 | 102 | 7 do. | 6 do. |
| 6— 7 .. | 17 | 8 | 14 | 10 | 11 | 6 | 110 | 7 do. | 6 do. |
| 7— 8 .. | 18 | 17 | 15 | 15 | 12 | 2 | 117 | 8 do. | 7 do. |
| 8— 9 .. | 20 | 6 | 16 | 19 | 12 | 19 | 125 | 8 do. | 7 do. |
| 9—10 .. | 21 | 15 | 18 | 3 | 13 | 15 | 133 | 9 do. | 7 do. |
| 10—11 .. | 23 | 4 | 19 | 7 | 14 | 11 | 141 | 9 do. | 8 do. |
| 11—12 .. | 24 | 13 | 20 | 11 | 15 | 7 | 149 | 10 do. | 8 do. |
| 12—13 .. | 26 | 2 | 21 | 16 | 16 | 3 | 157 | 10 do. | 9 do. |
| 13—14 .. | 27 | 11 | 23 | 0 | 16 | 19 | 164 | 10 do. | 9 do. |
| 14—15 .. | 29 | 0 | 24 | 4 | 17 | 16 | 172 | 11 do. | 9 do. |
| 15—16 .. | 30 | 9 | 25 | 8 | 18 | 12 | 180 | 11 do. | 10 do. |
| 16—17 .. | 31 | 18 | 26 | 12 | 19 | 8 | 188 | 12 do. | 10 do. |
| 17—18 .. | 33 | 7 | 27 | 17 | 20 | 4 | 196 | 12 do. | 10 do. |
| 18—19 .. | 34 | 16 | 29 | 1 | 21 | 0 | 204 | 13 do. | 11 do. |
| 19—20 .. | 36 | 5 | 30 | 5 | 21 | 16 | 211 | 13 do. | 11 do. |
| 20—21 .. | 37 | 14 | 31 | 9 | 22 | 13 | 219 | 14 do. | 12 do. |
| 21—22 .. | 39 | 3 | 32 | 13 | 23 | 9 | 227 | 14 do. | 12 do. |
| 22—23 .. | 40 | 12 | 33 | 18 | 24 | 5 | 235 | 15 do. | 12 do. |
| 23—24 .. | 42 | 1 | 35 | 2 | 25 | 1 | 243 | 15 do. | 13 do. |
| 24—25 .. | 43 | 10 | 36 | 6 | 25 | 17 | 251 | 15 do. | 13 do. |
| 25—26 .. | 43 | 10 | 36 | 6 | 26 | 13 | 258 | 16 do. | 14 do. |
| 26—27 .. | 43 | 10 | 36 | 6 | 27 | 9 | 266 | 16 do. | 14 do. |
| 27—28 .. | 43 | 10 | 36 | 6 | 28 | 6 | 274 | 17 do. | 14 do. |
| 28—29 .. | 43 | 10 | 36 | 6 | 29 | 2 | 282 | 17 do. | 15 do. |
| Over 29 .. | 43 | 10 | 36 | 6 | 29 | 18 | 290 | 18 do. | 15 do. |

*Note.*—In the case of officers to whom Article 404-A, Civil Service Regulations, applies, the period which they may be entitled to add under that article to their service qualifying for superannuation pension, should be taken into account in reckoning "length of service" for determining the rates of foreign service contribution on account of pension.

*Rates of monthly contribution for leave salary payable during active foreign service in respect of*

| | Percentage of pay drawn in foreign service. |
|---|---|
| 1 Members of the all India and Class I Central Services subject to the special leave rules. | 16⅔ |
| 2 Members of the all India and Class I Central Services subject to the ordinary leave rules. | 15 |
| 3 Members of Class II and Subordinate Central Services .. .. | 12½ |
| 4 Members of Services subject to the Madras Leave Rules, 1933 .. | 11 |

NOTE.—*The rates of contribution for pension and leave salary specified in the above table for Class II Central Services and Subordinate Central Services shall also apply to the Provincial and Subordinate Services respectively other than the posts specified in the schedule below. For the latter posts the rates fixed for Class I Central Service Officers shall apply. The revised rates will come into force from 1st July 1939.*

SCHEDULE.

POST.

*Madras Agricultural Service.*

Director of Agriculture.
Headquarters Deputy Director of Agriculture.
Principal, Agricultural College, Coimbatore.

*Madras Boiler Service.*

Chief Inspector of Boilers.

*Madras Co-operative Service.*

Registrar of Co-operative Societies.
Joint Registrar of Co-operative Societies.

*Madras District Board Engineering Service.*

District Board Engineers, I Grade.
Special Engineer for Road Development.

*Madras Educational Service.*

Director of Public Instruction.
Deputy Directors of Public Instruction.
Principal and Senior Professor, Presidency College.
Principal and Senior Lecturer, Teachers' College.
Principal of the College of Engineering, Guindy.
Divisional Inspectors.
Principal, Law College.
Professor of Mechanical Engineering. } In the College of Engineering, Guindy.
Professor of Electrical Engineering. }
Additional Professor of Civil Engineering. }
Professor of Civil Engineering. }

*Madras Electrical Service.*

Chief Engineer for Electricity, Superintending Engineers, Executive Engineers, Divisional Electrical Engineers and other officers of equal rank.

*Madras Engineering Service.*

Chief Engineers.
Superintending Engineers.
Executive Engineers.
General Superintendent, Public Works Workshops and Stores.

*Madras Excise Service.*

Commissioner of Excise.
Deputy Commissioner of Excise.

*Madras Fishery Service.*

Director of Fisheries.

*Madras General Service.*

Director of Town-Planning.
Consulting Architect to Government.
Director, Cinchona Department
Secretary, Madras Legislature.
Deputy Secretary, Madras Legislature.
Examiner of Local Fund Accounts.
Assistant Secretary, Finance Department (Permanent).
Chief Justice, Court of Small Causes, Madras.
Administrator-General and Official Trustee, Madras
Chief Presidency Magistrate, Madras.
Secretary to Government, Law Department and Remembrancer of Legal Affairs.

*Madras Industries Service.*

Director of Industries.
Deputy Director of Industries.

*Madras Jail Service.*

Superintendents of Central Jails.

*Madras Medical Service.*

Director of Medical Services.
Chemical Examiner
Non-Clinical Professors.
Director, Barnard Institute of Radiology.
Government Analyst.

*Madras Port Service.*

Port Officers.

*Madras Public Health Service*

Director of Public Health.
Assistant Directors of Public Health.
Assistant Directress of Public Health.

*Madras Registration Service.*

Inspector-General of Registration.

*Madras Sanitary Engineering Service.*

Superintending Engineer, Public Health.

*Madras Stationery and Printing Service.*

Superintendent, Government Press

*Madras Subordinate Civil Judicial Service.*

Judge, City Civil Court, Madras.

*Madras Survey Service.*

Deputy Director of Survey.

*Madras Veterinary Service.*

Director of Animal Husbandry.
Principal, Madras Veterinary College.

* NOTE 1.—*The Governor in Council and the Governor acting with the Ministers direct that the rates of monthly contribution payable during active foreign service for leave-salary and pension prescribed in Government of India, Finance Department, Resolution No. F.* 81 *R/1/24, dated the 11th February* 1929, *shall apply with effect from* 1st *May* 1929 *to the State and Subordinate Services and holders of special posts under the control of the Madras Government. The contribution on account of a Government servant now in foreign service will continue at the present rate until the period of his foreign service ends or is extended by a fresh order of the competent authority.*

*The rate of contribution for pension on account of last grade servants and that levied under Article* 802, *Civil Service Regulations, will not be affected by these orders.*

* Issued under the Civil Services (Governors, Provinces) Delegation Rules, 1926.

NOTE 2.—*While a Government servant under the rule-making control of the Madras Government who subscribe to the Madras Contributory Provident Pension Fund is on foreign service, the amount payable as Government contribution to the Fund shall be recovered from the foreign employer, and his pensionary contribution shall be limited to one-half of the rates laid down in the rules.*

*The Government contribution to the Fund to be recovered from a foreign employer or a borrowing Government shall be based on the pay drawn by the Government servant from time to time in foreign service or under the borrowing Government.*

*In the case of a Government servant of the Co-operative Department, who is on foreign service, the recovery of pension contribution shall be at 4⅛ per cent of the maximum pay of the time scale if he holds a non-gazetted post and at half of 11·13 per cent (i.e., 5·57 per cent) of the maximum pay of the time scale if he holds a gazetted post and the recovery towards Government contribution to the Fund shall be based on the average cost of the post held by him in foreign service. The actual contribution by the Government to his fund account shall, however, be made on the pay drawn by him in foreign service from time to time.*

*A foreign employer shall pay the Government contribution to the Fund not only for the period of foreign service but also for the period of leave earned by the Government servant in foreign service.*

*Instruction* 1.—(i) The Government of India have decided that in respect of officers not under the rule-making control of the local Government who are deputed to foreign service, a passage contribution shall be recovered from the foreign employer if the officers are entitled to passage benefits. The contribution shall be levied at the rate of Rs. 50 per mensem, if the officer is entitled to passage benefits under Schedule IV to the Superior Civil Services Rules and at the rate of Rs. 30 per mensem, in other cases.

(ii) In respect of officers under the rule-making control of the local Government who are deputed to foreign service, a passage contribution shall be recovered from the foreign employer if the officers are entitled to passage benefits. The contribution shall be levied at the rate of Rs. 50 per mensem if the officer is entitled to first-class passages, and at the rate of Rs. 30 per mensem, if the officer is entitled to second-class passages.

(iii) The passage contribution referred to in paragraphs (i) and (ii) shall be payable throughout an officer's service under the foreign employer, that is, whether he is on duty or on leave. If, however, it is agreed between the foreign employer and the local Government or the Government of India according as the officer is or is not under the rule-making control of the local Government, that an officer shall receive passage benefits from the foreign employer, then the foreign employer shall not be required to make any contribution towards passage benefits.

*Instruction* 2.—When officers of the Indian Police are deputed to foreign service, the foreign employer shall pay, along with contribution towards pension, leave-salary and passage benefits, a proportionate contribution towards the maintenance of their uniform and charger as specified below:—

(i) Contribution at the rate of Rs. 3–5–4 a month towards the uniform grant of Rs. 400 admissible every ten years, and

(ii) Contribution at the rate of Rs. 7–2–8 a month towards the charger grant of Rs. 600 admissible every seven years.

The contribution shall also be payable during periods of leave taken by an officer.

The following rulings have been issued under this rule:—

(i) *Extract of Government of India, letter No. F-1-XI-R. 1/29, dated 17th May 1929.*

The term " active foreign service " used in the annexure is intended to include the period of joining time which may be allowed to an officer both on the occasion of his proceeding to, and reverting from, foreign service, and accordingly contributions are leviable in respect of such periods.

" Length of service " means the total period running from the date from which service for pension commences or is likely to commence, including service counting for pension under Articles 370 and 371, Civil Service Regulations.

The sterling rates of pension contribution shown in the annexure should be converted into Indian currency at the uniform rate of 1*s*. 6*d*. to the rupee.

In the case of a temporary Government servant who is transferred to foreign service, it is for the local Government concerned to decide whether or not to recover pension contributions having regard to the probabilities of the Government servant qualifying for a pension. If it is decided to recover such contributions, they should be calculated, with reference to his length of service, in the following manner:—

(*a*) if he is on a time-scale of pay, on the maximum of time-scale; and

(*b*) if he is on a fixed rate of pay, on that pay.

In such cases, the recovery of contributions for leave-salary does not present any difficulty, the amounts being calculated on the pay actually drawn in foreign service.

(ii) *Rulings of the Controller of Civil Accounts in the letters Nos.* 5-*A* 128-29, *dated* 10*th January* 1930, *and* 3-*A* 128-29, *dated* 11*th January* 1930.

(*a*) The length of service of a Government servant should, for the purpose of calculation of pension contribution, be reckoned from the actual or probable date of commencement of pensionable service. All leave including leave on loss of pay, periods of overstayal and of suspension should be taken into account in calculating the length of service.

(*b*) The assessment of contribution should be made after taking into account the temporary and officiating service rendered by Government servants transferred to foreign service. No refunds of contribution should be made even if it is eventually decided that the temporary or officiating service taken into account in the original calculation of contribution should not count for pension.

(*c*) In the case of certain members of the Indian Civil Service and other services, the periods of previous war service have been allowed by the Government of India to count for active service and total service, for pension. In these cases, such periods of war service should be added to the normal length or their service.

(*d*) Under Article 358 (*a*) of the Civil Service Regulations, an officer's service does not in the case of superior services qualify for pension until he has completed 20 years of age. All services rendered in substantive posts before a Government servant completed 20 years of age should be excluded in reckoning length of service for the assessment of contribution for pension.

(*e*) In the case of Government servants who are promoted from a lower to a higher service, the length of service should, in all cases, be taken as the total service, reckoning from the date of commencement of pensionable service under Government and contribution should be levied in accordance with the table appropriate to the service to which the particular Government servant on foreign service at the time belongs.

## RULINGS.

(1) The rates of contributions in respect of members of the subordinate services should continue to be the same as those prescribed in the Ministry of Finance Resolution No. F. 81 R. 1/24, dated the 11th February 1929, except last grade servants in whose case the rates prescribed in Article 770 (*c*), Civil Service Regulations, will apply.

[Government of India, Finance Department, No. F.I. (20) R.I./36, dated 17th September 1936.]

### Recovery of pensionary contribution on the special pay drawn by Government servants doing part-time work for foreign bodies.

(2) In the case of members of the State and Subordinate Services, pension contribution on the amount of special pay should be levied in accordance with the procedure prescribed in the Government of India, Ministry of Finance, letter No. F.1. XI-R.I/29, dated the 17th June 1929, in connexion with establishments falling under Rule 127, i.e., the average of the percentage rates of those services should be levied on the amount of special pay.

The procedure indicated below should be adopted for recovering pension contribution on the special pay granted to members of superior services:—

Suppose the officer holding a superior post belongs to the 21st to 25th year of service. Take the rates of pay for those years and add the amount of special pay to the rate of pay for each year. Then take the average of the amount thus arrived at. Let it be "X".

Next take the rates of contribution for the 21st to the 25th year of service prescribed in the first table annexed to the Government of India, Ministry of Finance, Resolution No. F/81 R. I/24, dated the 11th February 1929, and find out the average of those rates. Let it be "Y".

The contribution to be levied on the special pay will be $\frac{y}{x}$ amount of special pay.

[Government of India, Finance Department, letter No. 1 (13) R.I./32, dated 5th April 1932, to the Government of Bombay and Comptroller and Auditor-General's letter No. 71-A/39-35, dated 8th April 1935.]

### Recovery of leave and pensionary contribution in respect of officers of the Madras Government lent for service in Coorg.

(3) In respect of employees of the Government of Madras lent for service under the Government of Coorg, the liability of the Coorg Government on account of leave and pension charges will be allocated in accordance with the rules laid down in Appendix 3 to the Madras Account Code, Volume I.

(G.O. Ms. No. 609, Finance, dated 23rd May 1952.)

**(4) In the case of** contract officers who are **governed by leave terms contained** in Government Order (Finance) No. 423, dated 5th July 1935, **as** amended from time to time, and who are transferred to foreign service, **the** leave-salary contribution should be recovered at the rate prescribed for Government servants who are subject to the Madras Leave Rules, 1933.

[Government of India, Ministry of Finance, Letter No. F. 1 (4)-R 1/43, dated the 23rd March 1943 and G.O. Ms. No. 412 (M), Finance, dated 16th April 1943, cased in G.A. 18-1 of 1943-44.]

*Note.*—In classifying contract officers *vis-a-vis* officers belonging to All-India Class I Central, Class II Central, or Subordinate Central Services for the purpose of recovering leave-salary contribution as laid in G.I. Endt. F. I (4)-R.I./43, dated 19th July 1943, the authorities who are competent to sanction transfers to foreign service should determine for the contract officer concerned after taking into consideration the terms of the contract or if these are not conclusive, the pay and status in Government service which of the three prescribed rates of leave-salary contribution is appropriate in his case. The rate of leave-salary contribution should also be specified in the orders transferring such a contract officer to foreign service.

[Government of India, Letter No. F. 1 (4) R. 1/43, dated 4th January 1944.]

(5) Contribution towards leave and pensionary charges for service **rendered by the staff of the Port Department to the other departments of** Government may be paid from State Funds to the Minor Port Fund at **the rates mentioned in Rule 116.**

(G.O. No. 2339, P.W., dated 18th August 1944.)

**General principles regarding recovery of contributions for leave-salary and pension.**

(6) When a Government servant is transferred to foreign service, or **when** the period of foreign service of a Government servant is extended, it should be stipulated that the contributions for pension and leave-salary or for pension alone, as the case may be, will be recoverable at the rates in force from time to time in accordance with orders issued under Rule 116. Similarly, if the officer is on a non-pensionable footing and subscribing to a Contributory Provident Fund, and if he is allowed to retain this privilege while in foreign service, the orders should specify the arrangement made with reference to paragraph 7 of the Resolution of the Government of India in the Ministry of Finance, No. F. 81 R.I.-24, dated the 11th February 1929, and state that these will be subject to amendment consequent upon any revision of the orders contained in that paragraph.

(G.I., F.D., letter No. F. I. XXIV-R-1-29, dated 23rd August 1929.)

**Basis for the calculation of pension in the case of non-superior officers transferred to foreign service before the 5th September 1928.**

(7) Non-superior officers transferred to foreign service before the 5th September 1928 referred to in paragraph 5 of the G.I., Ministry of Finance, Resolution No. F. 81 R.I.-24, dated the 11th February 1929, are entitled, irrespective of the rate of pension contribution prescribed for them to a pension calculated wholly or party, as the case may be, on the pay drawn by them in foreign service.

[G.I., F.D., letter to the Accountant-General, Madras, No. F. 1 (44) R.I./31, dated 19th December 1931.]

(8) (i) A Government servant who is a subscriber to the Contributory Provident Fund (India) and who is transferred to foreign service shall pay monthly subscriptions calculated on the rate of pay drawn in foreign service. The foreign employer or the officer himself, according to the arrangement made under clause (c) of Rule 115, shall pay, in addition for the period of active foreign service at such times as Government may prescribe in each case, a contribution determined by the formula $X + XY$, where $X$ equals the amount which would have been credited monthly to the subscriber's account in the Provident Fund had he not proceeded on foreign service, the rate of pay drawn by him in foreign service being regarded as his 'emoluments' for this purpose, and $Y$ equals the fraction which the amount recoverable as leave-salary contribution, bears to pay drawn in foreign service.

[G.I., F.D., Resolution No. F. 33 (5)-R-II/41, dated 8th January 1941.]

(ii) The above procedure shall also apply to Government servants under the rule-making control of the Madras Government.

[G.I., F.D., Resolution No. F. 33 (5)-R-II/40, dated 8th January 1941, and G.O. No. 66, Finance, dated 5th March 1941.]

(iii) The procedure in (i) above shall also apply in the case of Government servants on foreign service who have elected the Madras Contributory Provident Fund-Pension Insurance Rules, 1950.

(Finance Memorandum No. 55440 C.S.R.-1. dated 20th August 1951.)

(9) Contributions towards the leave-salary and pensionary contributions of the subordinates of the Co-operative Department lent to foreign service under co-operative societies should be recovered in accordance with Fundamental Rule 127. If the person lent is allowed any additional pay during foreign service, the rate of leave salary contribution arrived at under Fundamental Rule 127 should be increased *pro rata* by the rate of percentage addition on pay sanctioned during foreign service.

(Finance Memorandum No. 20464-A—C.S.R.-2, dated 20th March 1953.)

(10) In respect of temporary Government servants in foreign service, pension contribution should be recovered from the foreign employer at the rates prescribed in Fundamental Rule 116.

(G.O. No. 494, Finance, dated 24th March 1953 and
Finance Memorandum No. 33346—C.S.R.-1, dated 7th May 1953.)

**117.** (*a*) The rates of pension contribution prescribed under Rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under Government if he had not been transferred to foreign service.

(*b*) The rates of contribution for leave-salary will be designed to secure to the Government servant leave-salary on the scale and under the conditions applicable to him. In calculating the rate of leave-salary admissible, the pay drawn in foreign service, less, in the case of Government servants paying their own contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of Fundamental Rule 9 (2). *In the case of a Government servant governed by the Madras Leaves Rules*, 1933, *the pay drawn in foreign service in excess of that admissible under Government will not be taken into account for the purpose of calculating the contribution for leave-salary. This, however, is not applicable to cases of deputation to other Governments.*

*Note.—See* Note to Rule 109.

* *The rate of contribution for leave-salary in respect of last grade servants subject to the leave rules in Fundamental Rules shall be 12½ per cent of the pay drawn in foreign service and, in respect of those subject to the Madras Leave Rules, 5½ per cent of such pay. The rate of contribution for pension shall be the average of the rates prescribed for subordinate services, that is, 9½ per cent of the maximum monthly pay of the grade substantively held.*

**118.** *Omitted.*

**119.** Subject to any general orders of the Governor-General in Council, a local Government sanctioning a transfer to foreign service may—

(*a*) remit the contributions due in any specified case or class of cases, and

(*b*) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

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* Fixed under the Civil Services (Governor's Provinces) Delegation Rules, 1926.

*Subsidiary Rules under Rule* 119 (*b*).

1. Contribution for leave-salary or pension which is due from a Government servant shall be paid within fifteen days from the end of the month in which the pay on which it is based has been drawn by the Government servant in such manner as may be arranged with the Accounts Officer who maintains the accounts of the contribution.

2. If the contribution is not paid within the period prescribed in subsidiary rule 1, the Government servant must, unless specifically exempted, pay to the Government interest on the unpaid contribution at the rate of 4 pies a day per Rs. 100 upon the amount due from the date of expiry of the said period to the date on which the contribution is finally paid.

*Note.*--This rule does not apply to officers of the Madras Government lent to His Majesty's Government.

3. If any amount due, including interest, is not paid within twelve months of its accrual, the Accounts Officer shall intimate to the Government servant the amount due up to date, and inform him that, in consequence of the default, he has forfeited his claim to pension or pension and leave-salary, as the case may be. In order to revive his claim, the Government servant must at once pay the amount due and represent his case to the State Government who will deal finally with it.

4. Interest on overdue contributions will not be remitted by Government save in very exceptional circumstances.

## RULINGS.

(1) With effect from 1926–27, leave and pensionary contributions should be paid by the Indian Research Fund Association on account of the subordinate personnel, such as Civil Assistant Surgeon, Class II, etc., whose services have been lent to the Association.

(Government of India, Education, Health and Lands, No. 1492, Health, dated 28th October 1925, with Government of India, Finance Department, No. D. 5951-C.S.R., dated 11th November 1925.)

### Remission of contribution.

(2) The Government of India do not propose to issue any orders under this rule.

(Government of India, Finance Department, No. 1360, E-B., dated 10th December 1921.)

### Contribution on account of officers lent to local bodies or funds outside Madras State.

(3) Contributions on account of leave-salary and pensions should be recovered in future from local bodies or funds outside the Madras State in respect of all medical officers lent for service under them. The contributions will be calculated at the rates fixed from time to time under Rule 117 and will be levied with effect from the 1st August 1923.

(G.O. Mis. No. 1268, P.H., dated 30th July 1923.)

**120.** A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or pension and leave-salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid, and no claim for refund can be entertained.

**121.** A Government servant transferred to foreign service may not, without the sanction of the local Government, accept a pension or gratuity from his foreign employer in respect of such service.

**122.** A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave-salary from Government unless he actually quits duty and goes on leave.

**123.** (*a*) A Government servant in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case, the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave-salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

(*b*) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make arrangement with the foreign employer, under which leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant, if the foreign employer pays to general revenues leave contribution at the rate prescribed under Fundamental Rule 116.

**RULING.**

For the purpose of pension, the period of leave granted by foreign employers out of India to Government servants lent to them under Rule 123 (*a*) should be treated as "leave" and not as "duty". Any such leave, if taken on full or average pay or equivalent terms, should, up to a limit of four months on any one occasion, be treated as privilege leave for the purpose of Article 407, Civil Service Regulations, and all other leave with leave allowances should be dealt with as in Article 408, Civil Service Regulations.

[Paragraph 17 (i), Section III, Manual of Audit Instructions (Reprint).]

**124.** A Government servant in foreign service, if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service, on which he holds a lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

**125.** A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service; provided that, if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the local Government on whose establishment he is borne may decide.

*Delegation under Rule* 125.

**The authority which granted the leave is empowered to decide the date of reversion of the Government servant returning after leave from foreign service.**

If joining time or travelling allowance or both will be admissible to the officer, the date of reversion from foreign service should not be earlier than the date on which he will take charge of the post in Government service, unless the foreign employer agrees to pay the transit pay (including leave and pensionary contribution) and the travelling allowances.

**126.** When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his contributions will be discontinued, with effect from the date of reversion.

**127.** When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules :—

(*a*) The amount to be recovered shall be the gross sanctioned cost of the service; or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.

(*b*) The cost of the service shall include contributions at such rates as may be laid down under Rule 116, and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.

*Note.—In the case of a Government servant who is a subscriber to the Madras Contributory Provident-Pension Fund, the practice of recovering the gross cost from the individuals or bodies concerned shall continue, and Government shall bear the liability on account of pension and Government contribution to the new pension fund.*

(*c*) A local Government may reduce the amount of recoveries or may entirely forego them.

*Note.*—This rule is applicable to temporary as well as permanent establishments.

If in any case it is certain that pensionary claims will not arise, application may be made for the waiver under Fundamental Rule 127 (*c*) of the recovery of the contribution for pension.

*Instructions under Rule* 127.

1. *No contribution need be recovered from local boards and municipal councils on account of—*

(*a*) *panchayat and town surveyors for the periods during which they are on leave without a substitute;*

(*b*) *chainmen employed under the panchayat and town surveyors for the periods during which they are granted leave without pay and without a substitute.*

2. *In recovering the sanctioned cost of the establishment in the office of the Court of Wards, Madras, from estates under its supervision, no recovery need be made in respect of posts which are kept permanently vacant, but in the case of posts the permanent incumbents of which are on other duty and which are kept unfilled without substitutes being appointed, the recovery to be made should be limited to the pensionary contribution.*

3. *No contribution need be recovered from local bodies on account of the Government Medical Officers attached to local fund and municipal medical institutions for the periods during which the posts of medical officers in the institutions are kept vacant at the instance of or with the approval of*

*the Director of Medical Services, provided that these periods shall not include periods of the absence of the officers on casual leave, or on other duty to which they are deputed by local bodies.*

*4. The Government of India have decided that, when an additional establishment is sanctioned as contemplated in this Rule, the recoveries made thereunder shall include a passage contribution in respect of such of the officers concerned as are entitled to passage benefits at the rate of Rs. 50 per mensem in the case of officers entitled to such benefits under Schedule IV to the Superior Civil Services Rules and at the rate of Rs. 30 per mensem in the case of others. The passage contribution shall also be leviable during periods of leave taken by an officer unless—*

*(a) the leave is taken prepartory to retirement, or*

*(b) the officer is not expected to serve on the additional establishment on return from leave, or*

*(c) a passage contribution is recovered in respect of the officer's* locum tenens *on such establishment.*

*Passage contributions shall be similarly recovered in respect of officers under the rule-making control of the State Government who are entitled to passage benefits. The rate of contribution shall be Rs. 50 per mensem in the case of officers who are eligible for first-class passages and Rs. 30 per mensem in the case of others.*

The following rulings have been issued under this rule:—

*No. 1.—Superior services.*

*Extract from the Government of India, Finance Department, letter No. F-I-XI-R-1-29, dated 4th September 1929.*

(1) *Pension contribution.*—In the case of members of the Indian Civil Service,, the amount to be recovered as contribution should be the average of the rates prescribed in columns (2) and (3) of the first table in the Annexure * to this Department Resolution No. F. 81/R. 1-24, dated the 11th February 1929, and in the case of members of other superior services, the average of the rates laid down in columns (4) and (5) of that table.

(2) *Contribution of leave-salary.*—The rate to be applied in calculating the amount to be levied as contribution should be the average of the rates prescribed for officers subject to the special and ordinary leave rules.

**No. 2.**

*Extract from Government of India, letter No. F. I-XI-R. 1/29, dated 17th June 1929.*

In the case of members of State/Subordinate Services, a fraction of the total maximum monthly pay of all the sanctioned posts equal to the average of the percentages laid down in column (6)/(7) of the second table in the said Annexure * should be levied as contribution for pension.

As regards contributions for leave-salary, recoveries should be made by levying the percentages prescribed in the Annexure referred to above on the total sanctioned cost, or, in the case of time-scales of pay on the average cost of all the posts concerned.

*The above procedure has been adopted for the services and posts under the control of the local Government with effect from the 1st September 1929.*

* Printed under Fundamental Rule 116.

*Delegation under Rule* 127.

The Registrar of Co-operative Societies is empowered to sanction the following allowances in the case of the non-gazetted officers of his department holding posts sanctioned under this rule:—

Grant of Madras house allowance, house rent allowance, unhealthy locality special pay, hill allowance and other compensatory allowances at the appropriate rates, provided that

(i) such allowances are specifically admissible under the rules to Government servants stationed in the same localities; and

(ii) the entire cost of such allowances is recovered from the institution for whose benefit the Government servant is employed.

## RULINGS.

(1) No contribution for leave and pension need be recovered in the case of menials paid from contingencies employed under this rule.

(G.O. Ms. No. 612, Finance, dated the 4th September 1928.)

(2) The whole expenditure on account of cost of living and dearness allowances for periods of leave should be included for purposes of recovery under Rule 127 (*b*) with effect from 1st January 1946 and that no addition need be made in respect of pension contribution as dearness allowance does not count towards pension.

(Finance Memorandum No. 4744-C.S.R., dated 2nd March 1948.)

Compensatory and house rent allowances and Madras house allowance drawn during the period of leave should also be included for purposes of recovery under Fundamental Rule 127 (*b*) with effect from 1st April 1955.

(Finance Memoranda No. 34950 (A)-C.S.R., dated 30th June 1955 and No. 76968-C.S.R.-4, dated 19th December 1955.)

### Deputation of Reserve Health Officers under the local bodies in connection with epidemic or festival duties.

(3) Reserve Health Officers deputed to festival or epidemic duties under the local bodies should be dealt with under Rule 127 and recoveries effected from the local bodies concerned in accordance with clauses (*a*) and (*b*) of that rule.

(G.O. Ms. No. 1786, P.H., dated 17th July 1929.)

(4) It is not necessary to issue any general orders fixing a time-limit and a rate of penal interest in respect of recoveries made in the case of additional establishments falling under Rule 127.

[Government of India, Finance Department, No. F. 1/(24)-R-I.-34, dated 1st July 1935.]

### Recovery of pensionary contribution on the special pay drawn by member of establishments falling under Rule 127.

(5) In the case of members of State and Subordinate Services the term "pay" occurring in ruling (2) under Rule 127 should be taken to include also special pay. Special pays drawn by members of superior services do not, however, count for the purpose of recovery of pensionary contribution as the contribution to be recovered in their cases is the average of the rates prescribed under Rule 116.

(G.O. Ms. No. 545, Finance, dated 31st August 1935.)

(6) In calculating the pensionary contribution leviable under Rule 127 on account of a post in the clerical grade on the new scale of pay in the offices of the Civil Accountants-General, the maximum of Grade I should be taken into account as the maximum monthly pay of the clerical grade.

(Comptroller and Auditor-General's Endorsement No. 229-A/235-35, dated 29th Novembe 1935, to the Accountant-General, Madras.)

(7) The calculation of contribution towards pay, leave and pension should be made on the basis of old scales of pay in the case of the Government servants who are entitled to the old scales and on the basis of the revised scales in the case of others. This calculation should be revised with every change of incumbency where necessary.

(Finance Memo. Nos. 28051-C.S.R.-2, dated 24th September 1935, and 41019-C.S.R.-3, dated 20th March 1936.)

(8) Unless recovery of contribution is waived by Government, the average cost of the posts sanctioned under Rule 127 should include that of vacant posts.

The cost on account of the vacant posts should be calculated on the basis of the 'existing' or 'new revised scales of pay' according as the posts fell vacant either before or after 1st January 1938 (in the case of posts included in State Services) or 1st February 1938 (in the case of posts included in subordinate services).

The leave-salary contribution recoverable under the above rule in respect of vacant posts should be calculated on the basis of the rates applicable to cases governed by the Fundamental Rules or of the rates applicable to cases governed by the Madras Leave Rules, 1933, according as the posts fall vacant before or on and after 1st July 1939.

(Finance Memo. No. 46177-C.S.R.-2, dated 6th January 1939, and Memo. No. 51486-E-1/40-2, P.H., dated 22nd January 1941.)

**Establishments sanctioned under Rule 127—Recovery of transit pay and travelling allowance.**

(9) In the case of establishments created under Rule 127, the transit pay and travelling allowance both ways also should be recovered from person or body for whose benefit the additional establishment is created. No recovery need, however, be made when a change is effected in the personnel of the establishment for reasons for which the person or body is not responsible, *e.g.*, in case of change of officers made for the convenience of Government service (*cf.* also Ruling 4 under Madras Travelling Allowance Rule 69).

The recoveries made towards transit pay should be based on the gross sanctioned cost of the service and should include contributions for leave salary and pension.

*Note.*—The orders in the above paragraph do not apply to Government Medical Officers lent to local bodies (*vide* Finance Memo. No. 19242/C.S.R.-2, dated 27th July 1937).

(G.O. No. 667, Finance, dated 31st October 1937, G.O. Ms. No. 328, Finance, dated 27th September 1938, and G.O. Ms. No. 245, Finance, dated 18th July 1939.)

(10) The usual proportion of one-third of the pay of chainmen employed under a town surveyor may be debited to State Fund when the town surveyor is absent on leave and no substitute is appointed provided, that—

(1) the period of absence of the town surveyor does not exceed one month, and

(2) another town surveyor is placed in additional charge.

(G.O. Ms. No. 692, Revenue, dated 17th March 1939.)

(11) In the case of municipal electricity distribution schemes which are under the management of the Electricity Department, the municipal councils may be allowed refund of establishment charges (under pay, leave salary and pension) on account of posts which remain unfilled in the beginning and posts which remain unfilled subsequently for more than 15 days continuously at a time.

[G.O. Ms. No. 2866, P.W. (Electricity), dated 20th December 1940.]

(12) The pay of all Assistant District Health Officers will be met in the first instance from State Funds and 50 per cent of the average cost of the posts of the officers including proportionate leave and pensionary contribution will be recovered from the district boards concerned. The travelling allowance of the officers for tours within the district for the discharge of their duties shall be met from the funds of the district boards concerned. The transit pay and travelling allowance of the officers when transferred from one local body to another or from the Government (Public Health) Department to a local body will be met from the State Funds. These orders have effect from 1st September 1943.

The recovery of contribution may be waived for the periods during which the post of the Assistant District Health Officer under a district board is vacant, provided that the period of vacancy exceeds 14 days in each case.

(G.O. No. 2112, P.H., dated 1st September 1943 and G.O. No. 1880, P.H., dated 4th July 1944.)

Whenever the Commissioner of a municipality holds additional charge of the post of the Municipal Health Officer *for not less than one month*, additional pay at the rate of one-tenth of his pay as Commissioner may be allowed to him from out of the funds of the Municipal Council for the period during which he holds such additional charge. During that period, the recovery of the contribution due from the Municipal Council towards the pay, leave allowance and pension of the health officer may be waived. Formal orders of Government sanctioning the waiver of recovery of contribution in each individual case are not necessary. It is sufficient, if the Director of Public Health intimates to the Accountant-General the period for which any particular post is vacant.

(Finance Memorandum No. 56767 C.S.R.-1, dated 30th September 1953.)

(13) No pension contribution need be recovered in respect of establishment manned by personnel who have retired from Government on pension and have been re-employed on Union Government work as Government will be incurring no pensionary liability in respect of such persons.

(Finance Memorandum No. 40306-C.S.R., dated 9th August 1944.)

(14) In respect of all additional establishments sanctioned from time to time on account of the requirements of the military or other authorities, an addition on account of dearness and war allowances should be made to the 'pay' element of the gross sanctioned cost for the purpose of the recovery to be made under Rule 127 (*a*) with effect from 12th September 1945.

(Finance Memorandum No. 38055-C.S.R.-2, dated 12th September 1945.)

House rent allowance and Madras house allowance should also be included for the purpose of recovery under Fundamental Rule 127 (*a*) with effect from 1st April 1955. House rent allowance should be calculated at the maximum rate on the average cost of the establishment, while Madras house allowance should be based on the actuals drawn (including amounts if any drawn during periods of leave).

(Finance Memorandum No. 76968 C.S.R.-4, dated 19th December 1955.)

(15) In the case of former employees of the Co-operative Department of the Pudukottai State who have elected to be governed by the Pudukottai State Leave Rules, leave-salary and pension contributions should be recovered at the rates fixed in Fundamental Rule 116 for Government servants governed by the leave rules in the Fundamental Rules, when they are deputed to co-operative societies under Fundamental Rule 127.

(Finance Memorandum No. 83502-C.S.R., dated 20th November 1952.)

(16) The contributions in respect of Municipal Health Officers and Assistant District Health Officers lent to local bodies under Rule 127 of the Fundamental Rules should not include contributions for dearness allowance. The amount of dearness allowance paid to them should be recovered from the local body concerned on a percentage basis with reference to the amount of dearness allowance actually drawn during such leave, viz., at 50 per cent in the case of Assistant District Health Officers and at 25 per cent in the case of Municipal Health Officers.

(Finance Memorandum No. 54223, C.S.R.-2, dated 13th July 1953.)

*Note.*—The following rules were issued with reference to old Fundamental Rules :—

[Fundamental Rule 116.]

**Calculation of leave salary of Government servants whose foreign service extends from prior to 1st January 1922.**

1. In calculating the leave salary of a Government servant subject to the Leave Rules of the Fundamental Rules and whose terms of foreign service extends from prior to 1st January 1922 the following principles should be observed :—

(1) If under the terms of the service, the foreign employer pays the contribution in addition to the officer's pay, it cannot be said that the contribution is a part of his pay and the leave salary should be based on the actual pay received in foreign service.

(2) The concession of determining leave-salary on the basis of actual pay drawn in foreign service is independent of the possibility that, under the provisions of Article 766, Civil Service Regulations, contributions may continue to be levied on assumed pay.

(3) The first four months of leave on average pay or such longer period as may be admissible to a Government servant as privilege leave under the orders previously in force should be treated as corresponding to privilege leave.

(Comptroller and Auditor-General's No. 974-A-352/23, dated 17th September 1923 and No. 1078-A-352/23, dated 29th October 1923.)

Fundamental Rule 117.]

**Rate of contribution of officers transferred to foreign service before 27th January 1922.**

2. The rates of contributions in respect of officers transferred to foreign service on or after 1st January 1922 and before the 27th January 1922 will be those prescribed in Article 770, Civil Service Regulations.

(Government of India, Finance Department, No. 80-E.B., dated 1st February 1922.)

3. In the case of a Government servant in foreign service in India contribution on account of leave salary is recoverable from the foreign employer, and in return for the contribution Government accepts the charge for leave salary. As the rates prescribed for such contribution have been calculated on the basis of the leave on full and half average pay normally taken by a Government servant during the total period of his services and do not take into account any compensatory allowance, which may form part of leave salary as defined in Rule 9 (12), it has been decided that the whole expenditure in respect of any compensatory allowance for periods of leave in or at the end of foreign service shall be borne by the foreign employer. In order to avoid any misundertanding, it is desirable that a condition to this effect should be inserted in the terms of transfer to foreign service.

(G.O. No. 47, Finance, dated 5th February 1944—T.M. 10-11/43-44.)

4. Foreign employers should, in the case of Government servants transferred to foreign service in future, or in the case of Government servants already on foreign service on renewal of existing foreign service agreements, accept liability for leave salary in respect of disability leave granted on account of a disability incurred in and through foreign service, even though such disability manifests itself after the termination of foreign service. The leave salary charges for such leave should be recovered direct from foreign employers, a condition to this effect being inserted in the terms of transfer to foreign service. No additional pension contribution shall be recovered in respect of the period of disability leave.

In the case of permanent Government servants lent to the Union Defence Services, the Government of India have agreed that the Defence Services estimates will bear the leave-salary charges in respect of disability leave granted to them while in such services on account of disabilities incurred in and through such service, in addition to the ordinary leave contributions at foreign service rates payable during such service, excluding periods of leave. As regards pensionary liability in respect of periods of disability leave in such cases, no extra contributions will be recovered in view of the very small amounts involved.

(G.O. No. 311, Finance, dated 9th June 1944.)

**Military officers.**

5. In the case of military officers the rates prescribed for the Indian Civil Service Officers are fixed provisionally as a temporary measure (*Vide* G.I., F.D., letter No. 64-E.B., dated the 27th January 1922).

The term 'military officer' referred to in the above paragraph should be interpreted to mean Regimental officers of the Army and officers of the Indian Medical Service who were subject to Indian Army Leave Rules when they came to civil employ. The term should not be used in the sense in Rule 9 (16) (*b*) so as to include Departmental officers with honorary rank and Warrant officers (combatants or medical) of the Indian Army.

(Comptroller and Auditor-General's No. 261-A-152-23, dated 28th March 1924.)

**Officers of the Royal Indian Marine.**

6. The revised rates of contributions payable on account of Military officers are also applicable to officers of the Royal Indian Marine in foreign service.

G.I., Marine, No. 1035-M., dated 6th July 1922 and G.O. No. 328-Mis., Fin. (Marine), dated 1st August 1922.]

**Indian Civil Service Officers.**

7. The revised rates are to be recovered from Indian Civil Service officers during any extension of foreign service sanctioned after 27th January 1922.

(Comptroller and Auditor-General's No. 2036-Admn.-498/22, dated 24th November 1922.)

**Date of reversion from foreign service.**

8. In the case of a Deputy Collector, whose services are lent to a local board or a municipal council and who proceeds on leave on the conclusion of his foreign service, the date on which he actually joins duty in a post under the Government should be fixed as the date of his reversion from foreign service.

(G.O. No. 1801, Revenue, dated 23rd June 1938.)

**Officers whose extensions in foreign service have effect from or after 27th January 1922.**

9. The revised rates of foreign service contributions apply to officers who are transferred to foreign service prior to 27th January 1922 but the extension of whose service is sanctioned on or after that date; in such cases thay take effect from the date from which the extension commences.

(Comptroller and Auditor-General's No. Nil, dated 1st February 1923.)

**Officers lent to the administration of Iraq.**

10. In the case of officers deputed on foreign service under the Administration of Iraq, the Government of India have decided that, if the original transfer of an officer was for a definite period, the Foreign Service Rules in the Fundamental Rules should apply from the earliest date from which an extension has been sanctioned after 1st January 1922, while if no definite period has been fixed then any extension beyond five years from the original date if sanctioned should be taken as under those rules. In cases of extensions coming under the Fundamental Rules, the new rates of contribution will apply from the date on which they come under these rules or the 27th January 1922, whichever is later.

(G.I., F.D. No. 1321-C.S.R., dated 31st July 1923.)

11. The expression "officers of All-India Services (other than the Indian Civil Service), etc.," used in paragraph 2 of the Government of India, Finance Department, letter No. 81-C.S.R., dated the 4th August 1924, includes provincial service officers holding posts borne on the provincial cadres of the All-India Services (including the Indian Civil Service). The rates of contributions payable for pension only and for leave salary and pension in respect of such officers on foreign service are, therefore, three-sixteenths and 30 per cent respectively of pay actually drawn in foreign service.

(Comptroller and Auditor-General's Endt. No. 1521-Admn.-482-25, dated 8th January 1926.)

12. For the purpose of calculation of the rate of monthly pension contribution under Government of India, Finance Department, Resolution No. F. 1 (ii)-R. 1/39, dated 19th April 1939, in the case of military officers, the entries appearing in the Indian Army List, which are audited ones, should be accepted as correct. Where no remark is entered beneath the name of an officer, it is to be assumed that that officer has no rank service or other service prior to the date of his first commission counting for pension. It is, therefore, not necessary to refer every case to the Military Accountant-General.

(Letter No. AL/464-AL., dated 19th October 1939, from the Military Accountant-General.)

## CHAPTER XIII.—SERVICE UNDER LOCAL FUNDS.

**128.** Government servants paid from local funds which are administered by Government are subject to the provisions of Chapters I to XI of these rules.

### RULING.

Employees of local funds administered by Government who are not paid from general revenues and are therefore not Government servants are subject to the provisions of Chapters I to XI of the Fundamental Rules.

**129.** The transfer of Government servants to service under local funds which are not administered by Government will be regulated by rules in Chapter XII.

**130.** Persons transferred to Government service from a local fund which is not administered by Government will be treated as joining a first post under Government, and their previous service will not count as duty performed. A local Government may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

*Subsidiary Rules under Rule* 130.

1. Previous service after 1st April 1908 under a local body in a hospital or a veterinary institution which has been taken over by Government, the service of Municipal Health Officers, under municipalities in the capacity of Municipal Health Officers prior to 1st April 1924 and the service of District Board Engineers in the capacity of District Board Engineer and Local Fund Assistant Engineer prior to 1st March 1924, if the total service is continuous, may be counted for leave in combination with subsequent Government service.

2. Previous service under local funds which up to 1st April 1908 were treated as incorporated and which are not administered by Government counts as duty in the case of those who entered Government service prior to 1st January 1922.

3. In the case of local fund servants referred to in sub-rule 1 (other than those for whom Government have undertaken to bear the leave salary in respect of previous local fund service, e.g., in the case of

District Board Engineers and District Health Officers, who are transferred to Government service after 26th August 1932), the local body concerned should decide, at the time of the transfer of the servant, whether it will bear the entire leave-salary for the period of leave earned in its service, calculated on the average pay of the servant at the time of proceeding on leave. If it does not agree, the servant will forfeit the leave earned under the local body. The leave account opened for the servant on admission to Government service should clearly specify whether his prior local fund service counts for leave and whether the local body has agreed to bear the leave-salary.

## RULINGS.

**Establishment of the provincialized District Medical Officers' Offices.**

(1) Except in cases in which the local bodies concerned have paid contribution towards leave and pension under articles 802 and 805, Civil Service Regulations, the staff of the provincialized District Medical Officers' offices cannot count their previous local fund service for purposes of leave and pension.

(Memorandum No. 30080-1-D-2-P.H., dated 26th September 1940 and Director of Medical Services letter R. No. 2735-H., dated 12th June 1940.)

**Provincialized Medical Institutions—Allocation of leave-salary under the rule of proportions under Articles 45 and 900, Civil Service Regulations.**

(2) The first four months of leave on average pay under the Fundamental Rules with or without medical certificate may be treated as equivalent to privilege leave under the Civil Service Regulations for working out the recovery under the rule of proportions.

(U.O. Note No. 11968/44-3-D-2, P.H., dated 20th April 1944.)

## SCHEDULE.

### UNDER FUNDAMENTAL RULE 75-A.

*Provisions for the determination of domicile.*

1. A person can have only one domicile.

2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.

4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.

5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile or origin.

(2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

*Explanation* 1.—A person is not to be considered as having taken his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service or in the exercise of any profession or calling.

*Explanation* 2.—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul, or other representative of the Government of another country.

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin:

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business.

7. After marriage, a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband:

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above, a person cannot during minority acquire a new domicile.

9. An insane person cannot acquire a new domicile in any other way than by his domicile following the domicile of another person.

## ANNEXURE I.

### Subsidiary Rule under Fundamental Rule 9 (6) (b) (i).

### AUTHORIZED COURSES OF INSTRUCTION OR TRAINING.

The Government of Madras are pleased to declare that, Government servants attending any of the courses of instruction or training shown in the following table shall be treated as on duty:—

*Note.*—The powers delegated to the subordinate authorities under this rule can be exercised only if there is sufficient budget provision to meet the pay and allowances of Government servants deputed for training under Fundamental Rule 20 and the pay and allowances of any substitute necessary under Rule 36.

TABLE.

| Course of instruction or training. | Government servants who can be deputed to undergo the course. | Authority empowered to sanction the deputation. | Remarks. |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| | *Land Revenue.* | | |
| 1 Survey and Settlement. | (i) Assistant Collectors.. .. | Collectors .. | .. |
| | (ii) Deputy Collectors .. .. | Collectors | |
| | (iii) Other Government servants. | Board of Revenue | .. |
| 2 Survey Training .. | (i) Government servants who are candidates for the post of Revenue Inspector. | Collectors .. | .. |
| | (ii) Clerks in the Secretariat who have satisfactorily completed their probation in the upper division. | Secretaries to Government. | .. |
| | (iii) Approved probationers who were directly recruited to the category of upper division clerks and approved probationers in the category of lower division clerks in the office of the Board of Revenue. | Board of Revenue | .. |
| | (iv) A few selected clerks of the office of the Inspector of Municipal Councils and Local Boards who possess a degree of a recognized University, have passed the Revenue Test and are likely to be appointed as Municipal Commissioners if they acquire the other qualifications required for the appointment. | Inspector of Municipal Councils and Local Boards. | .. |

| Course of instruction or training. (1) | Government servants who can be deputed to undergo the course. (2) | Authority empowered to sanction the deputation. (3) | Remarks. (4) |
|---|---|---|---|
| | *Land Revenue*—cont. | | |
| 2 (A) Training in Angular Survey with a survey party. | Officers designated for the post of Inspecting Tahsildars. | The Board of Revenue. | .. |
| 2 (B) Revenue Inspector's training. | (i) Clerks in the Secretariat who have satisfactorily completed their probation in the upper division. | Secretaries to Government. | .. |
| | (ii) Approved probationers who were directly recruited to the category of upper division clerks and approved probationers in the category of lower division clerks in the office of the Board of Revenue. | Board of Revenue. | .. |
| | (iii) Clerks in the office of the Collector of Madras who either hold substantive posts or have completed their probation and are not likely to be discharged from service for want of vacancies. | Collector of Madras. | .. |
| | (iv) A few selected clerks of the office of the Inspector of Municipal Councils and Local Boards, who possess a degree of a recognized University, have passed the Reveue Test and are likely to be appointed as Municipal Commissioners, if they acquire the other qualifications required for the appointment. | Inspector of Municipal Councils and Local Boards. | .. |
| 3 Judicial training .. | Indian Civil Service Officers .. | Government .. | .. |
| 4 (a) Treasury training. | Assistant Collectors and Deputy Collectors. | Do.* .. | .. |
| (b) Do. | Non-gazetted Government servants. | Collectors .. | .. |
| 5 Karnam's and Revenue Inspector's training. | Assistant Collectors .. .. | Do. .. | .. |
| 5 (a) Training in the working of other departments (paragraph 12-A, I.C.S. Manual). | Do. .. .. | Do. .. | .. |
| (b) Training in Estates Land Act. | (i) Do. .. ..<br>(ii) Probationary Deputy Collectors. | Government ..<br>Board of Revenue | ..<br>.. |
| 6 Training in the use of theodolite and circumferenter. | Land Records Deputy and Town Surveyors. | Do. .. | .. |
| 7 Training in the work of a Taluk Accountant and of an Accountant in a Deputy Tahsildar's Office. | Non-gazetted Government servants. | Collectors .. | .. |
| 8 General training prior to confirmation. | (i) Probationary Deputy Collectors. | Government .. | .. |
| | (ii) Probationary Deputy Tahsildars. | Do. .. | .. |
| | (iii) Probationary Revenue Inspectors. | Collectors .. | .. |
| | (iv) Probationary Upper Subordinates of the Survey Department. | Director of Survey. | .. |
| 9 Training in the use of the circumferenter and in traverse computation. | Government servants required for appointment as Revenue Inspectors in the Nilgiris, the Shevaroys and the Malabar-Wynaad. | Collectors .. | .. |

* If the training can be arranged for without the appointment of substitutes, the Collector is authorized to sanction the training.

| Course of instruction or training. | Government servants who can be deputed to undergo the course. | Authority empowered to sanction the deputation. | Remarks. |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| | *Land Revenue*—cont. | | |
| 10 Training in Madras Revenue Subordinate Service sanctioned in G.O. No. 276, Revenue, dated the 31st January 1950. | (1) Superintendents of the Secretariat. | Secretaries to Government. | .. |
| | (2) Superintendents of the Board of Revenue. | Board of Revenue. | .. |
| 11 Training in the Police Department for 6 weeks as per programme drawn up in G.O. No. 1191, Public (Separation), dated 6th May 1953. | Deputy Tahsildars on probation in separation districts. | Collectors .. | .. |
| | *Excise.* | | |
| 1 Training in blacksmith's work at the central storehouse in Madras. | Petty officers and peons .. | Commissioner of Excise. | .. |
| 2 Engineering Distillery or Customs training. | Gazetted government servants.<br>Non-gazetted government servants. | Government ..<br>Commissioner of Excise. | .. |
| 3 Training under selected Inspectors. | Sub-Inspectors, on first appointment. | Do. | .. |
| 4 Instruction in Criminal Procedure in the Sessions Court or First-class Magistrates' Courts. | Sub-Inspectors .. .. .. | Do. | .. |
| 5 Distillery training .. | Inspectors, Assistant Inspectors and Sub-Inspectors and Superintendents and Clerks of the office of the Commissioner of Excise. | Do. | .. |
| 6 Half-yearly revolver shooting practice at Police District Headquarters. | Inspectors and Assistant Inspectors of Excise. | Do. | .. |
| | *Forest.* | | |
| 1 Training at the Forest College, Coimbatore. | Subordinates of the Forest Department. | Chief Conservator of Forests. | .. |
| 2 Training at a vernacular training school. | Do. | Conservator of Forests. | .. |
| | *Commercial Taxes.* | | |
| Training as Assistant Commercial Tax Officer on assessment work before appointment as Deputy Commercial Tax Officer. | (1) Superintendents of the Commercial Taxes section in the Revenue Secretariat. | Board of Revenue. | .. |
| | (2) Superintendents in the office of the Board of Revenue (Commercial Taxes). | Do. | .. |
| | *General Administration.* | | |
| Training in the Accountant-General's office. | Superintendent in the Finance Department. | Government .. | .. |
| | *Administration of Justice.* | | |
| Training in Survey Schools. | Members of the Process Service Establishments. | District and Sessions Judges. | .. |

| Course of instruction or training. | Government servants who can be deputed to undergo the course. | Authority empowered to sanction the deputation. | Remarks. |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| | *Jails.* | | |
| 1 Training in Jail work. | Indian Medical Service officers selected for appointment as Superintendents of Central Jails. | Government .. | .. |
| 2 Training in the Madras Arsenal. | Jail warders .. .. .. | Inspector-General of Prisons. | .. |
| 3 Training in the work of Deputy Jailers and Jailers. | Selected European warders .. | Do. | While under training they will hold the sanctioned posts of Reserve Deputy Jailers, but draw pay as European warders. The pay of their substitutes will be limited to the pay of Reserve Deputy Jailers. |
| | *Police.* | | |
| 1 Training in the Police Training School, Vellore, and practical training in districts. | (a) Probationary Assistant Superintendents of Police.<br>(b) Deputy Superintendents of Police. | Inspector-General of Police. | .. |
| | (c) Directly recruited Inspectors and Government servants already in service.<br>(d) Sergeants .. .. .. | Commissioner of Police in Madras City and the Inspector-General of Police elsewhere. | .. |
| | (e) Directly recruited Sub-Inspectors and Government servants already in service. | Commissioner of Police in Madras City and Deputy Inspectors-General of Police elsewhere. | |
| 2 Training in the Central Recruits' School and in the school at Balliguda. | Recruited constables .. .. | District Superintendents of Police. | .. |
| 3 Training in legal practice under a Public Prosecutor. | Inspectors and Sub-Inspectors. | Deputy Inspectors-General of Police. | .. |
| 4 (a) Training in re-browning. | Reserve Inspectors .. .. | Commissioner in the case of City Police Officers, Inspector-General in the case of mufassal Inspectors and District Superintendents of Police in the case of other ranks. | |
| (b) Training as Inspectors in drill, physical training, weapon training and signalling. | (1) Sergeants .. .. ..<br>(2) Head constables .. ..<br>(3) Constables .. .. .. | | |
| (c) Training in armoury work, taking finger-prints and rebrowning. | (1) Head constables .. ..<br>(2) Constables .. .. .. | | |
| (d) Training in the repair of web equipment. | Constables .. .. .. | District Superintendents of Police. | |
| 5 Courses of army training. | (1) Indian Officers<br>(2) Non-Commissioned Officers.<br>(3) Men (constables).<br>of the Malabar and East Coast Special Police Forces. | Inspector-General of Police. | |
| 6 Training in motor lorry driving and in the mechanism and maintenance of motor vehicles. | (1) Non-Commissioned Officers.<br>(2) Men (constables).<br>Do.<br>(3) Head constables.<br>(4) Constables.<br>of the District Armed Reserves. | | |
| 7 Training in traffic regulation. | Constables or head constables or sergeants. | District Superintendents of Police acting in consultation with the Commissioner of Police. | The period of deputation should not exceed two weeks excluding the time taken to go and return and the number of men whom the Inspector-General of Police has been authorized to depute from any one district to the city for training in traffic regulation should not exceed six. |

| Course of instruction or training. | Government servants who can be deputed to undergo the course. | Authority empowered to sanction the deputation. | Remarks. |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| | *Police*—cont. | | |
| 8 Training in the use of teargas. | Sergeants, Head constables and Police constables of the District Armed Reserves and Non-Commissioned Officers and men of the Malabar Special Police. | Inspector-General of Police. | .. |
| 9 Training in finger-print and foot-print detection in the office of the Deputy Inspector-General of Police, Railways and C.I.D., Madras, and in the Finger-Print Bureau, Vellore. | One head constable from any district for a period not exceeding one month in each case. | District Superintendents of Police. | .. |
| 10 Training in Radio Branch. | (i) Inspectors of Police, Sergeants-Major selected for appointment by transfer in the Police Radio Branch. | Deputy Inspector-General of Police, Railways and C.I.D., Madras. | The training shall be under the Police Radio Officer for a period of not less than six months and not more than one year. |
| | (ii) Sub-Inspectors and Sergeants selected for appointment by transfer in the Police Radio Branch. | Police Radio Officer, Madras. | |
| | (iii) Head Constables selected for appointment by transfer in the Police Radio Branch. | Do. | |
| | (iv) Naiks selected for appointment by transfer in the Police Radio Branch. (v) Lance Naiks selected for appointment by transfer in the Police Radio Branch. (vi) Constables selected for appointment by transfer in the Police Radio Branch. | Do. | The training shall be in the Radio Signal School at Madras and in the Police Radio Stations in the State for a period of not less than six months and not more than nine months. |
| 11 Training in the Record Section of the Crime Branch of the Madras City Police, and in Finger and Foot Print work in the Criminal Investigation Department, Madras, and the Madras Finger Print Bureau at Vellore. | Sub-Inspectors of Police .. | Inspector-General of Police. | The training should not exceed one month and the number of Sub-Inspectors deputed should not exceed six in any year. |
| | *Education.* | | |
| 1 Training in a school, college or other institution. | (i) Teachers .. .. .. (ii) Deputy Inspectors of Schools. (iii) Other Government servants of the Educational Department. | Director of Public Instruction. | .. |
| 2 Training in survey .. | (i) Deputy Inspectors of Schools. (ii) Other Government servants of the Educational Department. | Do. | .. |
| 3 Scout Master's training. | Teachers and Inspecting officers. | Do. | .. |
| 4 Training as drawing masters at the Teachers' College, Saidapet. | Do. | Do. | .. |
| 5 Girl Guides Training. | Women officers .. .. | Do. | .. |
| 6 Courses of physical education held by the Woman Specialist in Physical Instruction in a school or college or other institution. | Women teachers employed in Government institutions and women inspecting officers. | Do. | .. |

| Course of instruction or training. (1) | Government servants who can be deputed to undergo the course. (2) | Authority empowered to sanction the deputation. (3) | Remarks. (4) |
|---|---|---|---|
| | *Education—cont.* | | |
| 7 Course of physical education held by the Assistant Physical Director to Government. | Physical training instructors and secondary-grade teachers. | Director of Public Instruction. | .. |
| 8 Music in the Summer School of Indian Music conducted by the Y.M.C.A. | Women music teachers in Government service. | Do. | .. |
| 9 Training in the Summer School for rural workers arranged by the Y.M.C.A. | Officers and subordinates of the Education Department. | Do. | Deputation to be made only during vacation without the appointment of a substitute. Neither travelling allowance nor daily allowance will be paid. |
| 10 Course of Instruction at the Junior Red Cross Conference. | Officers and subordinates of the Education Department. | Director of Public Instruction. | Deputation to be made only during vacations or holidays without the appointment of a substitute. Neither travelling allowance nor daily allowance will be paid. |
| 11 Training as Deputy Inspectors of Schools (Senior scale), II Grade, School Assistants or Headmasters, II Grade. | Superintendents in the office of the Director of Public Instruction. | Director of Public Instruction. | .. |
| 12 Citizenship Training. | Teachers and Inspecting Officers. | Director of Public Instruction. | Travelling Allowance as on tour will be allowed. But no daily allowance will be paid for the period of training as provision is made for food during the period of training. |
| 13 Pre-commission training in National Cadet corps in an Army Unit and other recognised courses of instruction and attendance at annual camps for officers of the junior and senior divisions, National Cadet Corps. | Officers and subordinates of the Education Department. | Director of Public Instruction in the case of non-gazetted subordinates and Government in the case of gazetted officers. | The period will be treated as duty irrespective of whether the training is held during the vacation or whether substitutes are appointed in their places. |
| | ***Medical and Public Health.*** | | |
| 1 Training in Clinical Bacteriology and Technique at the Central Institute, Kasauli. | (i) Indian Medical Service Officers.<br>(ii) Military Assistant Surgeons. | Government .. | .. |
| 2 Training in Bacteriological laboratories. | Indian Medical Service Officers. | Do. .. | .. |
| 3 Training in the Ophthalmic Hospital. | (i) Indian Medical Service Officers. | Do. .. | .. |
| | (ii) Civil Asssistant Surgeons, Class I. | Director of Medical Services. | .. |
| 4 Training in the X-Ray Institute at Madras.<br>5 Instruction given in the Malaria class at Delhi.<br>6 Training in Bacteriology at the laboratory of the King Institute, Guindy.<br>7 Training in plague inoculation work at Guindy. | Civil Assistant Surgeons, Classes I and II. | Do. | .. |
| 8 Post-graduate course of study. | Civil Assistant Surgeons, Class I. | Do. | .. |

| Course of instruction or training. (1) | Government servants who can be deputed to undergo the course. (2) | Authority empowered to sanction the deputation. (3) | Remarks. (4) |
|---|---|---|---|
| *Medical and Public Health—cont.* | | | |
| 9 Post-collegiate training. | Civil Assistant Surgeons, Class II. | Director of Medical Services. | .. |
| 10 Training in the Plague Inspectors' class at Guindy. | Clerks in Government service .. | Do. | .. |
| 11 Instruction in the Health Officers' course. | Civil Assistant Surgeons, Classes I and II. | Do. | .. |
| 12 The course of Quinquennial training. | District Health Inspectors .. | Director of Public Health. | .. |
| 13 Refresher course of training in the Headquarter or Women and Children Hospitals. | Compounders and midwives employed in Government institutions. | Director of Medical Services. | .. |
| 14 Midwifery and Gynaecology at the Government Hospital for Women and Children, Madras. | Indian Medical Service Officers.<br>Women Assistant Surgeons, Class I, Women Apothecaries and Women Assistant Surgeons, Class II. | Government ..<br>Director of Medical Services. | ..<br>.. |
| 15 Training in the School of Tropical Medicine and Hygiene, Calcutta. | Health Officers .. .. .. | Government .. | .. |
| 16 Training in the Chemical Examiner's Department for six months. | Civil Assistant Surgeons, Class I. | Do. .. | .. |
| 17 Training in Bio-chemistry. | Do. | Do. .. | .. |
| 18 Training in Dental Surgery. | Civil Assistant Surgeons, Classes I and II. | Do. .. | .. |
| 19 Training in "Hook-worm work" for three weeks (one week at the Hook-worm laboratory and two weeks in field work). | Health Officers and Civil Assistant Surgeons, Class II, posted to rural sanitation campaign work. | Director of Public Health. | .. |
| 20 Training in Tuberculosis Diploma Course—<br>I. Government Diploma Course—T.D.D. (M)—One year—<br>From 1st January to 15th April—<br>(1) in the Madras Medical College and Government General Hospital, Madras<br>*or*<br>in the Stanley Medical College and Government Stanley Hospital, Madras; and<br>(2) Government Tuberculosis Institute, Egmore, Madras.<br>From 16th April to 15th October—<br>at the Government Tuberculosis Sanatorium, Tambaram. | Assistant Surgeons .. .. | Director of Medical Services. | .. |

| Course of instruction or training. | Government servants who can be deputed to undergo the course. | Authority empowered to sanction the deputation. | Remarks. |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| | *Medical and Public Health*—cont. | | |
| Training in Tuberculosis Diploma Course—*cont.* I. Government Diploma Course—T.D.D. (M.)—One year—*cont.* From 16th October to 31st December—(1) in the Madras Medical College and Government General Hospital, Madras *or* in the Stanley Medical College and Government Stanley Hospital, Madras; and (2) Government Tuberculosis Institute, Egmore, Madras. II. University Diploma Course—T.D.D. (M.U.)—One year—First six months in the Madras Medical College, Government General Hospital, Government Tuberculosis Institute, Egmore, and Government Ophthalmic Hospital, Madras. Second six months at the Union Mission Tuberculosis Sanatorium, Madanapalle. | | | |
| 1 Training for Diploma Radiology (D.M.R.) for one year in the Madras Medical College and Barnard Institute of Radiology, Government General Hospital, Madras. | Assistant Surgeons .. .. | Director of Medical Services. | .. |
| 22 Training in X-ray in the Barnard Institute of Radiology, Government General Hospital, Madras. | Do. .. .. | Do. | The period of training should not exceed two months excluding the period of journeys to and fro Barnard Institute of Radiology, Government General Hospital, Madras. |
| 28 Training in Blood Transfusion and Resuscitation work at the King Institute, Guindy. | Civil Surgeons and Assistant Surgeons. | Do. | The period of training should not exceed two weeks excluding the period of journeys to and fro King Institute, Guindy and no substitutes should be appointed in place of those deputed for the training. |

| Course of instruction or training. (1) | Government servants who can be deputed to undergo the course. (2) | Authority empowered to sanction the deputation. (3) | Remarks. (4) |
|---|---|---|---|
| | *Medical and Public Health*—cont. | | |
| 24 Training in advanced course of leprosy in the Government Lady Willingdon Leprosy Sanatorium, Tirumani (Chingleput). | Assistant Surgeons .. .. | Director of Medical Services. | The period of training should not exceed one month excluding the period of journeys to and fro Government Lady Willingdon Leprosy Sanatorium, Tirumani (Chingleput) and no substitutes should be appointed in place of those deputed for the training. |
| 25 Pre-commission training in National Cadet Corps in any Army Unit and other recognized courses of instruction and attendance at annual camps for officers of the senior divisions, National Cadet Corps. | Officers of the Medical Department. | Government .. | The period will be treated as duty irrespective of whether the training is held during the vacation or whether substitutes are appointed in their places. |
| | *Agriculture.* | | |
| 1 Training in farm work and accounts in the Central Farm at Coimbatore. | Officers directly recruited to the Indian Agricultural Service or the Madras Agricultural Service. | Government .. | .. |
| 2 Instruction in the second course at the Agricultural College, Coimbatore. | Government servants of the lower subordinate branch of the Agricultural Department. | Director of Agriculture. | .. |
| 3 Refresher course at the Agricultural College, Coimbatore. | Agricultural Demonstrators .. | Do. | No substitutes should be appointed in place of those deputed for training. |
| | *Veterinary.* | | |
| Refresher course in the Madras Veterinary College. | Veterinary Assistant Surgeons. | Director of Animal Husbandry. | .. |
| | *Fire Service.* | | |
| 1 Training in Fire Service Administration under a Chief Fire Inspector at Madras. | Sub-officers intended to be posted to a new mufassal peace-time section. | Director of Fire Services. | .. |
| 2 (*a*) Course of initial training in the Madras Fire Service State Training School, Madras, for four months and a pass in the examination in the subjects prescribed for the course. | Sub-officers recruited direct or by transfer from any other service or by promotion. | Commissioner of Police, Fire Service Branch, in the Madras City and Deputy Inspectors General of Police, Fire Service Branch, elsewhere. | .. |
| (*b*) After the above course, practical training for six months as follows: Three months' duty in a station with a full-trained Sub-officer; three months posting to a Range Headquarters Office under Deputy Inspector-General of Police or Commissioner of Police Fire Service Branch, | Sub-officers recruited direct or by transfer from any other service. | Do. | .. |

| Course of instruciton or trainnig | Government servants who can be deputed to undergo the course. | Authority empowered to sanction the deputation. | Remarks. |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| | *Fire Service*—cont. | | |
| 3 Course of training in the Fire Service Workshops for three months. | Firemen-Drivers and Firemen-Mechanics selected for promotion as Driver-Mechanics. | Deputy Commissioner, Law and Order, in the Madras City and District Superintendents of Police, elsewhere. | .. |
| 4 Training in driving, pump operation and mechanism in the Fire Service Workshops for two months (fixed in G.O. Ms. No. 303, Home, dated the 25th January 1951). | Firemen and equivalent ranks selected for promotion as Drivers and Firemen-Mechanics. | Do. | .. |
| | *Public Works.* | | |
| Training in Public Works Accounts. | Government servants in the Presidency town. | Chief Engineer .. | .. |
| | Government servants in the mufassal. | Superintending Engineers. | |
| | *Labour.* | | |
| 1 Training as Cub-Masters, Scout Masters and Girl Guides. | Labour school teachers .. | Personal Assistant to the Commissioner of Labour in the City of Madras and Colectors else where. | |
| 2 Adult education training. | Labour school teachers selected by the authorities of the Education Department. | In the City Madras, the Personal Assistant to the Commissioner of Labour and elsewhere, District Collector. | |
| 3 Training for a period of 1½ months in the work of the Labour and Factories Departments in the manner prescribed by the Commissioner of Labour. | Officers recruited direct to the post of Labour Officers in the Madras General Service. | Commissioner of Labour. | |
| 4 Training in a District Headquarters Hospital for a period of 11 months and a further period of 3 months, if found necessary for passing the test prescribed for Nursing Orderlies. | Maternity and Creche Attendants in the Cinchona Department. | Director, Cinchona Department, Ootacamund. | Substitutes can be appointed for a period of eleven months in place of persons depufted for training. |
| | *General.* | | |
| 1 Periodical military training of the Army in India Reserve of Officers. | Government servants permitted to join the Reserve. | Government .. | The periods spent in training and on the journey to and from the place of training will be treated as duty. Persons undergoing the training will be eligible to draw while proceeding for and when undergoing training civil pay in addition to military pay. |
| 2 Preliminary and periodical training in the Indian Territorial Force. | Government servants enrolled in the Force. | Government in the case of gazetted officers and head of the department in other cases. | The period of training will be treated as duty. Substitutes may be appointed for Government servants deputed for training in the Force, but the appointing authorities should see that, as far as possible, no substitute is appointed when the period of training is less than one month. Persons deputed for training will draw civil pay from the Government for the days of their journeys from the place of duty to the place of training and back, and the pay of the military rank from the military department for the days of actual training. If, however, the military pay is less than their ordinary civil pay, the difference will be made good by the Government whether substitute is appointed or not. |

| Course of instruction or training. | Government servants who can be deputed to undergo the course. | Authority empowered to sanction the deputation. | Remarks. |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| | *General*—cont. | | |
| 3 Training as Reservists in the Indian Signal Corps and other Arms of the Indian Army Reserve. | Government servants permitted to join the Indian Army Reserve. | Government .. | The period of training will be treated as duty. Persons undergoing the training will draw the pay of the military rank. If, however, the military pay is less than their ordinary civil pay, the difference will be made good by Government. |
| 4 Training in the Indian Auxiliary Force. | Government servants enrolled in the Force. | Government .. | The period of training will be treated as duty. The pay of persons undergoing the training will be regulated under paragraph 247 read with paragraph 254 of the Auxiliary Force Regulations, i.e., they will get military pay in addition to civil pay. |
| 5 Training in the Royal Indian Navy. | Men of the Royal Indian Navy Fleet Reserve employed in Government service. | Competent authority. | The period of training and the periods of transit before and after training will be treated as duty. Persons undergoing training will be paid by the Royal Indian Navy for the period of training and for the periods of transit before and after training. |

## ANNEXURE I-A.

### (1) Certificate of Physical Fitness (*for Executive posts*).

(This form is to be used by every candidate who is required by the Madras Public Service Commission to produce a certificate of physical fitness. It must be signed by a Commissioned Medical Officer or a Civil Medical Officer of rank not ower than that of Civil Surgeon or a District Medical Officer.)

*Note.*—A candidate who resides outside the Madras State and who is unable to produce the certificate from a Medical Officer employed in the Madras State may produce it from a Medical Officer of corresponding rank outside the Madras State. Such certificate should contain the following particulars :—

(i) The State under which the Medical Officer is employed and the name of the institution in which he is employed and his rank.

(ii) Register number of the certifying Medical Officer in the Register in which his name has been registered.

(iii) The official stamp or seal of the institution in which the certifying Medical Officer is employed.

The certificate so produced will be subject to acceptance after scrutiny by the Director of Medical Services, Madras.

Name and rank of officer granting the certificate.

I do hereby certify that I have examined (full name) a candidate for employment under the Government of Madras in the service as and cannot discover that he has any disease, communicable or otherwise, constitutional affection or bodily infirmity except that his weight is $\frac{\text{in excess of}}{\text{below}}$ the standard prescribed, or except

I $\frac{\text{do}}{\text{do not}}$ consider this a disqualification for the employment he seeks.

I do further certify that in my opinion his general physical condition is such as to enable him to perform efficiently the active duties of executive service.

His age is according to his own statement years and by appearance about years.

I also certify that he has marks of $\frac{\text{small pox}}{\text{vaccination}}$.

Chest measurement in inches on full inspiration / on full expiration / difference (expansion)

Height ft. in.

Weight in lb.

His vision is normal.

Hypermetropic (——————————————————)

Here enter the degree of defect and the strength of correction glasses

Myopic (———— ——————— ——————————)

Here enter the degree of defect and the strength of correction glasses.

Astigmatic (simple or mixed) (——————————————)

Here enter the degree of defect and the strength of correction glasses.

Hearing is normal, defective (much or slight).

Urine—Does chemical examination show (1) albumen, (ii) sugar. State specific gravity.

Personal marks (at least two should be mentioned).

Station — Signature.

Dated — Rank.

Designation.

The candidate must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the note below :—

1. State your name in full .. ..
2. State your age and birth place ..
3. (a) Have you ever had smallpox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks, rheumatism, appendicitis ?

   or

   (b) any other disease or accident requiring confinement to bed and medical or surgical treatment ?

   or

   (c) suffered from any illness, wound or injuries sustained while on active service with His Majesty's Forces during the war which began in 1914 ?
4. When were you last vaccinated ?
5. Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy or insanity ?
6. Have you suffered from any form of nervousness due to overwork or any other cause ?
7. Furnish the following particulars concerning your family :—

| | | | |
|---|---|---|---|
| Father's age, if living, and state of health. | Father's age at death and cause of death. | Number of brothers living, their ages and state of health. | Number of brothers dead, their ages at and cause of death. |
| Mother's age, if living and state of health. | Mother's age at death and cause of death. | Number of sisters living, their ages and state of health. | Number of sisters dead, their ages at and cause of death. |

**I declare all the above answers to be, to the best of my belief, true and correct.**

Candidate's signature.

*Note.*—(1) The candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and, if appointed, of forfeiting all claim to superannuation allowance or gratuity.

(2) The candidate selected by the Commission for direct recruitment to the Madras Police Service or recruited to the Madras Civil Service (Executive Branch) otherwise than from the Madras Revenue Subordinate Service will be examined by a medical board before appointment.

(2) CERTIFICATE OF PHYSICAL FITNESS (*for other than executive posts and posts in the Madras Ministerial Service, the Madras Judicial Ministerial Service and the Madras Secretariat Service*).

(This form is to be used by every candidate who is required by the Madras Public Service Commission to produce a certificate of physical fitness. *It must be signed by a Commissioned Medical Officer or a Civil Medical Officer of rank not lower than that of Civil Surgeon or a District Medical Officer.*)

*Note.*—A candidate who resides outside the Madras State and who is unable to produce the certificate from a Medical Officer employed in the Madras State may produce it from a Medical Officer of corresponding rank outside the Madras State. Such certificate should contain the following particulars :—

(i) The State under which the Medical Officer is employed and the name of the institution in which he is employed and his rank.

(ii) Register number of the certifying Medical Officer in the Register in which his name has been registered.

(iii) The official stamp or seal of the institution in which the certifying Medical Officer is employed.

The certificate so produced will be subject to acceptance after scrutiny by the Director of Medical Services, Madras.

Name and rank of officer granting the certificate.

I do hereby certify that I have examined (full name) a candidate for employment under the Government of Madras in the service as and cannot discover that he has any disease, communicable or otherwise, constitutional affection or bodily infirmity except that his weight is $\frac{\text{in excess of}}{\text{below}}$ the standard prescribed, or except

I $\frac{\text{do}}{\text{do not}}$ consider this a disqualification for the employment he seeks.

His age is according to his own statement years and by appearance about years.

I also certify that he has marks of $\frac{\text{vaccination}}{\text{smallpox}}$.

Chest measurement in inches $\frac{\text{on full inspiration}}{\text{on full expiration}}$ difference expansion)

Height ft. in.

Weight in lb.

His vision is normal.

Hypermetropic (————————————————)
Here enter the degree of defect and the strength of correction glasses.

Myopic (————————————————)
Here enter the degree of defect and the strength of correction glasses.

Astigmatic (simple or mixed) (————————————————)
Here enter the degree of defect and the strength of correction glasses.

Hearing is normal, defective (much or slight).

Urine—Does chemical examination show (i) albumen, (ii) sugar. State specific gravity.

Personal marks (at least two should be mentioned).

Station Signature.

Dated Rank.

Designation.

The candidate must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the note below :—

1. State your name in full .. ..
2. State your age and birth place ..

3. (a) Have you ever had smallpox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks, rheumatism, appendicitis ?

or

(b) any other disease or accident requiring confinement to bed and medical or surgical treatment ?

or

(c) suffered from any illness, wound or injuries sustained while on active service with His Majesty's Forces during the war which began in 1914 ?

4. When were you last vaccinated ?
5. Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy or insanity ?
6 Have you suffered from any form of nervousness due to overwork or any other cause ?
7. Furnish the following particulars concerning your family :—

| | | | |
|---|---|---|---|
| Father's age, if living, and state of health. | Father's age at death and cause of death. | Number of brothers living, their ages and state of health. | Number of brothers dead, their ages at and cause of death. |
| Mother's age, if living, and state of health. | Mother's age at death and cause of death. | Number of sisters living, their ages and state of health. | Number of sisters dead, their ages at and cause of death. |

I declare all the above answers to be, to the best of my belief, true and correct.

Candidate's signature.

*Note*.—The candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and, if appointed, of forfeiting all claim to superannuation allowance or gratuity.

(3) CERTIFICATE OF PHYSICAL FITNESS (*for posts in the Madras Ministerial Service, the Madras Judicial Ministerial Service and the Madras Secretariat Service*).

(This form is to be used by every candidate who is required by the Madras Public Service Commission to produce a certificate of physical fitness. It must be signed by a Medical Officer of rank not lower than that of an Assistant Surgeon employed under the Madras Government or by an Honorary Assistant Surgeon and Physician appointed by the Madras Government to a Government Medical Institution.)

*Note*.—A candidate who resides outside the Madras State and who is unable to produce the certificate from a Medical Officer employed in the Madras State may produce it from a Medical Officer of corresponding rank outside the Madras State. Such certificate should contain the following particulars:—

(i) The State under which the Medical Officer is employed and the name of the institution in which he is employed and his rank.

(ii) Register number of the certifying Medical Officer in the Register in which his name has been registered.

(iii) The official stamp or seal of the institution in which the certifying Medical Officer is employed.

The certificate so produced will be subject to acceptance after scrutiny by the Director of Medical Services, Madras.

Name and rank of officer granting the certificate.

I do hereby certify that I have examined (full name) a candidate for employment under the Government of Madras in the service as and cannot discover that he has any disease, communicable or otherwise, constitutional affection or bodily infirmity except that his weight is $\frac{\text{in excess of}}{\text{below}}$ the standard prescribed, or except

I $\frac{\text{do}}{\text{do not}}$ consider this a disqualification for the employment he seeks.

His age is according to his own statement years and by appearance years.

I also certify that he has marks of $\frac{\text{smallpox}}{\text{vaccination}}$

Chest measurement in inches on full inspiration / on full expiration / difference (expansion)

Height ft. in.

Weight in lb.

His vision is normal.

Hypermetropic (——————————————————).
(Here enter the degree of defect and the strength of correction glasses.)

Myopic (——————————————————).
(Here enter the degree of defect and the strength of correction glasses.)

Astigmatic (simple or mixed) (——————————————————).
(Here enter the degree of defect and the strength of correction glasses.)

Hearing is normal, defective (much or slight).

Urine—Does chemical examination show (i) albumen, (ii) sugar. State specific gravity.

Personal marks (at least two should be mentioned).

Station Signature.

Dated Rank.

Designation.

The candidate must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the note below :—

1. State your name in full ..
2. State your age and birth place ..
3. (a) Have you ever had smallpox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks, rheumatism, appendicitis ?

   or

   (b) any other disease or accident requiring confinement to bed and medical or surgical treatment ?

   or

   (c) suffered from any illness wound or injuries sustained while on active service with his Majesty's Forces during the war which began in 1914 ?
4. When were you last vaccinated ?
5. Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy or insanity ?
6. Have you suffered from any form of nervousness due to overwork or any other cause ?

7. Furnish the following particulars concerning your family :—

| | | | |
|---|---|---|---|
| Father's age, if living, and state of health. | Father's age at death and cause of death. | Number of brothers living, their ages and state of health. | Number of brothers dead, their ages at and cause of death. |
| Mother's age, if living, and state of health. | Mother's age at death and cause of death. | Number of sisters living, their ages and state of health. | Number of sisters dead, their ages at and cause of death. |

I declare all the above answers to be, to the best of my belief, true and correct.

Candidate's signature.

NOTE.—The candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and, if appointed, of forfeiting all claims to superannuation allowance or gratuity.

## ANNEXURE II—PART I.

### Subsidiary Rules under Fundamental Rule 74 (a).

### LEAVE PROCEDURE IN THE CASE OF GOVERNMENT SERVANTS IN INDIA.

#### SECTION I—LEAVE ACCOUNTS.

By whom maintained.

1. The leave account required by Fundamental Rule 76 shall be maintained in F.R. Form No. 9 or in F.R. Form No. 9-A, according as the Government servant concerned is subject to the special leave rules or the ordinary leave rules.

2 (a) The leave account of a gazetted Government servant shall be maintained by, or under the direction of, the principal auditor responsible for the audit of his pay.

(b) The leave account of a non-gazetted Government servant shall be maintained and the entries therein attested by the head of the office in which he is employed.

#### SECTION II—APPLICATION FOR LEAVE.

To whom application should be made.

3. Every application for leave or for an extension of leave should be sent to the competent authority through the immediate superior, if any, of the Government servant applying for leave. In the case of gazetted officers, the application should also be sent through the Accountant-General. The application of a Government servant in foreign employ should also be sent through the Accounts Officer who accounts for the contribution recovered from the foreign employer.

4. An application by a commissioned medical officer in permanent or temporary civil employ for leave exceeding four months, other than leave on medical certificate, or for an extension of such leave, must be submitted to the local administrative medical officer, by whom it will be forwarded to the Director-General, Indian Medical Service. The Director-General will countersign the application, if the state of the public service admits of the grant of the leave; otherwise, he will abstain from countersigning it. In either case, he will forward the application for disposal to the Government under which the applicant is serving.

5. Applications for leave from military officers in civil employ, whether they are subject to military leave rules or civil rules, should be submitted to Government through the Civil Audit Officer who audits the pay of the officers going on leave. No leave should be sanctioned to such an officer

before a report is received from the Civil Audit Officer, who may, if he considers it necessary, consult the Controller of Military Accounts in charge of the officer's record of pension service, before certifying to the leave and specifying the leave-salary.

*Note.*—The civil department, when forwarding an application for leave from a military officer holding an officiating appointment, should intimate whether the officer will revert to the military department in the event of the leave being granted.

*Exception.*—The leave application of a Military Secretary of Aide-de-Camp to the Governor will be forwarded to Government through the Controller of Military Accounts, Madras district, to whom a copy of the Government notification granting leave will be forwarded when the leave is notified.

6. When a military officer subject to the military leave rules applies for leave of absence on medical certificate, he should communicate his intention to his immediate departmental superior at the time of sending in his application for leave.

7. A Government servant transferred to foreign service must, before taking up his duties in foreign service, make himself acquainted with the rules or arrangements which will regulate his leave during such service.

## SECTION III.—MEDICAL CERTIFICATE.

### General Rules.

8. A medical officer must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties. In such cases, the opinion that the Government servant is permanently unfit for Government service should be recorded in the medical certificate.

9. Every certificate of a medical committee or a medical officer recommending the grant of leave to a Government servant must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract, or of the rules to which he is subject.

### Procedure in the case of gazetted Government servants.

10. Before a gazetted Government servant can be granted leave, or an extension of leave on medical certificate, he must obtain a certificate in the following form:—

*Statement of the case of*

Name (to be filled in by the applicant in the presence of the Civil Surgeon or official medical attendant).

Appointment.
Age.
Total service.
Service in India.
Previous periods of leave of absence on medical certificate.
Habits.
Disease.

I, Surgeon of / Medical Officer at or of ——— after careful personal examination of the case hereby certify that is in a bad state of health and I solemnly and sincerely declare that according to the best of my judgment a period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted months' leave with effect from

*Civil Surgeon*
*or Official Medical Attendant.*

Dated the

*Note.*—This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change from or to a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

11. Having secured such a certificate, the Government servant must, except in cases covered by rule 14, obtain the permission of the head of his office or, if he himself is the head of an office, of the head of his department to appear before a medical committee. The committee will be assembled under the orders of the Director of Medical Services, who will, where

practicable, preside over it. The committee will be assembled either at the headquarters of the State or at such other place as the State Government may appoint and the Government servant will present himself with three copies of the statement of his case before the committee.

12. Before the required leave or extension of leave can be granted, the Government servant must obtain from the committee a certificate to the following effect:—

" We do hereby certify that, according to the best of our professional judgment, after careful personal examination of Sri , we consider that he is suffering from and that his health is such as to render leave of absence for a period of months with effect from absolutely necessary for his recovery."

13. Before deciding whether to grant or refuse the certificate, the committee may, in a doubtful case, detain the applicant under professional observation for a period not exceeding 14 days. In that case, it should grant to him a certificate to the following effect:—

" *C.D.* having applied to us for a medical certificate recommending the grant to him of leave, we consider it expedient, before granting or refusing such a certificate, to detain *C.D.* under professional observation for days."

14. If the state of the applicant's health is certified by a commissioned medical officer of Government or by a medical officer in charge of a civil station to be such as to make it inconvenient for him to present himself at any place in which a committee can be assembled, the authority competent to grant the leave may accept, in lieu of the certificate prescribed in rule 12, either—

(*a*) a certificate signed by any two medical officers, being commissioned medical officers or medical officers in charge of civil stations, in whatsoever State they may be serving; or

(*b*) if the authority considers it unnecessary to require the production of two medical opinions, a certificate signed by an officer in medical charge of a civil station and countersigned by the Collector of the district, or in the case of officers of the Judicial Department by the District and Sessions Judge.

For the purposes of this clause, the Medical Superintendent, Union Mission Tuberculosis Sanatorium, Madanapalle, and the Chief Medical Officer, Lady Willingdon Leper Settlement, Tirumani, will be deemed to be medical officers in charge of civil stations for the purposes specified against each, provided that they are registered under the Madras Medical Registration Act, 1914 and the certificates given by them are countersigned by the Director of Medical Services—

Medical Superintendent, Union Mission Tuberculosis Sanatorium, Madanapalle—in respect of tuberculosis patients under his treatment.

Chief Medical Officer, Lady Willingdon Leper Settlement, Tirumani—in respect of leper patients under his treatment.

15. The grant of a certificate under rule 12 or 14 does not in itself confer upon the Government servant concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave, and the orders of that authority should be awaited.

### Procedure in the case of non-gazetted Government servants in superior service.

16. An application by a non-gazetted servant in superior service for leave, or for extension of leave on medical certificate must be accompanied by a certificate issued by the authorized medical attendant, or by the applicant's own medical attendant, who should be a registered medical practitioner. Such certificates should distinctly state the nature of the illness, its symptoms, probable causes and duration, the period of absence from duty considered to be absolutely necessary for the restoration of the applicant's health and the date from which such absence should take effect. In cases where the Government servant produces a certificate from his own medical attendant, the authority competent to grant the leave may in its discretion either accept the certificate or secure a second medical opinion by sending the applicant for medical examination either to the District Medical Officer or to the nearest gazetted Government servant (Medical Officer) available. Should it decide to secure a second medical opinion, it must

arrange for the medical examination to be made on the earliest possible date after the date on which the first medical opinion was given. It will be the duty of the District Medical Officer or the other Medical Officer, as the case may be, to make an independent examination of the applicant and on the basis of such examination to express an opinion both as regards the facts of the illness and as regards the amount of leave required.

*Note.*—(1) The possession of a certificate as prescribed in this rule does not itself confer upon the Government servant concerned any right to leave.

(2) The above procedure will not apply to non-gazetted officers and subordinates of the Madras City Police. In their case, the following procedure will apply:—

No leave on medical certificate or extension thereof shall be granted to non-gazetted officers and subordinates and menials of the City Police Force, executive and ministerial, who are in Madras City or within 10 miles thereof at the time of application for leave or extension thereof on medical certificate, without a certificate from the Police Surgeon. Certificates issued by registered medical practitioners to applicants for such leave or extension thereof, who are at the time of application more than 10 miles away from Madras City, shall not be accepted without the countersignature of the Police Surgeon.

17. No certificate should be submitted for countersignature without the cognizance of the head of the office in which the applicant is serving.

18. The countersigning officer may, in his discretion, require the applicant to appear before him, unless it appears from the certificate of his medical attendant that he is too ill to bear the journey. In the latter case, the officer may, after careful investigation of the case, either countersign the certificate or refuse to do so, as he thinks fit.

PROCEDURE IN THE CASE OF NON-GAZETTED GOVERNMENT SERVANTS IN LAST GRADE SERVICE.

19. In support of an application for leave or for an extension of leave on medical certificate from a non-gazetted Government servant in last grade service the authority competent to grant the leave may accept such certificate as it may deem sufficient.

## SECTION IV.—CERTIFICATE OF ADMISSIBILITY.

GAZETTED GOVERNMENT SERVANTS.

20. Leave will be sanctioned to a gazetted Government servant only after its admissibility has been certified by the Audit Officer who has been auditing his pay.

NON-GAZETTED GOVERNMENT SERVANTS.

21. Before leave is sanctioned to a non-gazetted Government servant, the authority competent to grant the leave should either consult the leave account referred to in rule 1, and satisfy himself that the leave is admissible, or obtain a certificate to that effect from the officer entrusted with the attestation of the entries in the leave account.

GOVERNMENT SERVANTS IN FOREIGN SERVICE.

22. In the case of a Government servant on foreign service, leave should not be sanctioned until the Audit Officer who is responsible for the recovery of the leave and pension contribution has certified the amount of leave and the leave-salary admissible.

## SECTION V.—GRANT OF LEAVE.

GENERAL.

PRIORITY OF CLAIMS TO LEAVE.

23. The grant of leave at a particular time cannot be claimed as a right by a Government servant. In exercising their discretion under these rules, authorities competent to grant leave shall have regard to the following considerations:—

(a) The exigencies of the service.

(b) The Government servants who can, for the time being, best be spared.

(c) The amount of leave due to the various applicants.

(*d*) The amount and character of the service rendered by each applicant since he last returned from leave.

(*e*) The fact that any such applicant was compulsorily recalled from his last leave.

(*f*) The fact that any such applicant has been refused leave in the public interests.

GRANT OF LEAVE TO A GOVERNMENT SERVANT WHO IS UNLIKELY TO BE FIT TO RETURN TO DUTY.

24. When a medical committee in India has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not necessarily be refused to such Government servant. It may, if due, be granted on the following conditions by the State Government in the case of gazetted Government servants and by the head of the department concerned in the case of non-gazetted Government servants:—

(*a*) If the medical committee is unable to say with certainty that the Government servant will never be fit for service in India again, leave, not exceeding twelve months in all, may be granted. Such leave should not be extended without a further reference to a medical committee.

(*b*) If the medical committee declares the Government servant to be completely and permanently incapacitated for further service in India, the Government servant should, except as provided in clause (*c*) below, be invalided from the service, either on the expiration of the leave already granted to him, if he is on leave when examined by the committee, or if he is not on leave, from the date of the committee's report.

(*c*) A Government servant declared by a committee to be completely and permanently incapacitated may, in special cases, be granted leave or an extension of leave, not exceeding six months as debited against the leave account, if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government servant's breakdown in health has been caused in and by Government service, or when the Government servant has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension.

GRANT OF LEAVE TO A GOVERNMENT SERVANT WHO OUGHT TO BE DISMISSED.

25. Leave should not be granted to a Government servant who ought at once to be dismissed or removed from Government service for misconduct or general incapacity.

PROCEDURE WHEN A GOVERNMENT SERVANT IS NOT ALLOWED TO RETURN TO DUTY AFTER LEAVE.

26. If, in a case not covered by rule 25, the State Government decides, before a Government servant whom it has the power to remove from the service departs from India on leave, that he shall not be permitted to return to duty in India, it must inform him to that effect before he leaves India.

CASES IN WHICH A COPY OF THE MEDICAL STATEMENT OF A CASE MUST BE FORWARDED TO THE HIGH COMMISSIONER.

27. When leave on medical certificate has been granted to a Government servant or in the case of a military officer in civil employ, when the grant of such leave has appeared in orders, if such Government servant or military officer proposes to spend his leave in Europe, North Africa, America or the West Indies, the State Government must, without delay, forward a copy of the medical statement of the case to the High Commissioner for India.

The medical statement is a confidential document intended for the medical attendant of the officer or for the Medical Board at the India Office in case the officer applied for an extension of leave and it is not required by the Government for the purpose of the grant of leave. The following

procedure should therefore be followed for the transmission of these statements to the High Commissioner:—

The Director of Medical Services will forward the medical statement of the case in a sealed cover superscribed—

"Confidential—Not to be opened in the Secretariat."

"Medical statement of the case of . . . of the . . . service."

"This is intended for the officer's medical attendant or for the Medical Board at the India Office."

It should be sent with a covering letter to the Secretary to the Government in the department to which the officer belongs. The Secretary concerned will not open the sealed cover but will transmit it, as received, to the High Commissioner with a similar covering letter quoting the rule under which it is forwarded. The sealed cover containing the medical statement of the case shall not at any stage be opened in the Secretariat.

28. When a Government servant who has been granted leave for reasons of health proceeds to any of the localities named in rule 27, the authority which granted the leave shall inform the High Commissioner for India whether a certificate of fitness is required under the second sentence of Fundamental Rule 71.

29. Leave not due shall not be granted on medical certificate under clause (a) (ii) of Fundamental Rule 104 for a period extending beyond the term of a Government servant's contract, unless or until it has been decided to retain him in permanent employment.

## SECTION VI.—DEPARTURE ON LEAVE.

### Procedure when departing on leave out of India.

30. Every Government servant proceeding on leave out of India should procure from the Audit Officer and take with him a copy of the memorandum of information issued for the guidance of Government servants proceeding on leave out of India. If the leave has been granted on a medical certificate, he must take a copy of the medical statement of his case also.

31. A Government servant taking leave out of India must, if so required by the Audit Officer, report his embarkation to that officer in F.R. Form No. 7 from the first port at which the vessel touches.

## SECTION VII.—PAYMENT OF LEAVE-SALARY.

### (a) Leave in India.

32. Leave-salary is payable in India after the end of each calendar month.

*Gazetted Government servants.*

33. A gazetted Government servant on leave in India may draw his leave salary at any office of payment in India; but he cannot begin to draw it without producing a leave-salary certificate in F.R. Form No. 2 from the Audit Officer who audited his pay before he proceeded on leave. If during leave he desires to change the office at which he receives the payment of his leave-salary, he should obtain a new certificate from the Audit Officer within whose jurisdiction his leave-salary was last paid.

34. If a gazetted Government servant signs his bill himself, he must either appear in person at the place of payment or furnish a life certificate signed by a responsible officer of Government or some other well-known and trustworthy person. If he draws his leave-salary through an authorized agent, the agent, whether he has or has not the power-of-attorney, must either furnish a life certificate as aforesaid, or execute a bond to refund overpayments. A life certificate may be given periodically, a bond being given to cover intermediate payments not supported by the life certificate.

35. The provisions of rules 33 and 34 apply also to gazetted Government servants who spend their leave out of India but reside in Asia, and who draw their leave-salary in rupees in India under Fundamental Rule 91.

*Non-gazetted Government servants.*

36. The leave-salary of a non-gazetted Government servant on leave in India or on leave out of India cannot be drawn in India, except over the signature of the head of his office; and the latter is responsible for any overcharge.

The leave-salary of a non-gazetted Government servant holding a permanent post in one office and officiating in a post in another office may be drawn at the office from which he proceeded on leave, if he would have continued in that office but for his leave and is expected to return to it on its expiry. No last-pay certificate should be issued in such cases but the fact of the Government servant having gone on leave should, however, be intimated to the head of the first office so that he can show the necessary arrangements in the absentee statements of his office. The bills in which leave-salary is drawn should also indicate the permanent post on which the absentee holds a lien to facilitate correct classification of leave-salary.

In the case of a non-gazetted officer whose substantive appointment is not a local appointment, but simply that of a member of a State staff, leave allowances should be drawn either at the Presidency town by the head of his department or at the place where his salary was last disbursed, and in the latter case, if he was not himself the head of an office, he should be regarded as attached to the office in which he was last employed, and the head of that office should draw the leave allowances and be regarded as responsible for overcharges.

### (*b*) LEAVE OUT OF INDIA.

*Leave-salary certificate and colonial leave-salary warrant.*

37. (*a*) A Government servant proceeding on leave out of India and intending to draw his leave-salary while on leave should obtain a leave-salary certificate from the Audit Officer who audited his pay before he proceeded on leave—

(1) in F.R. Form No. 2, if he intends to draw his leave-salary at the Home Treasury;

(2) in the shape of a leave-salary warrant in Form No. I or I-A, as the case may be, if he is proceeding to a colony and intends to draw his leave-salary there.

(*b*) If, during any period of leave on average pay, a gazetted Government servant wishes under the provisions of Fundamental Rule 91, to draw his leave-salary in India, a separate leave-salary certificate should be issued in respect of that period under the provisions of rule 33.

38. When a Government servant proceeds out of India on leave other than extraordinary leave, the Audit Officer who audits his pay will, as soon as the leave is gazetted or otherwise notified, send him a letter in F.R. Form No. 4, with enclosures in F.R. Form No. 5 requiring him to call at his office or give the necessary information.

*Note.*—If a Government servant sent home to Europe as a lunatic is granted leave, a leave-salary certificate will be prepared, if necessary, by the Audit Officer who audits his pay on the data available to him, and forwarded to the High Commissioner for India at the earliest possible date.

39. If the Government servant calls at the Audit Office, he will be paid up to the date of his relief and will be given a leave-salary certificate in the appropriate form as prescribed in rule 37. In the case of a Government servant proceeding to a colony, the colonial leave-salary warrant (Form No. I or I-A, as the case may be) will be issued in triplicate. The original bearing the Government servant's signature will be forwarded by the Audit Officer to the colonial authority concerned, the duplicate to the High Commissioner for India and the triplicate will be made over to the Government servant concerned.

*Note.*—(1) If the Government servant takes a certificate under clause (*b*) of rule 37, he will not be paid up to the date of relief but will be allowed to draw his pay and allowances for the broken period of the month at the commencement of the next month along with the leave-salary for the rest of the month.

(2) A Government servant may draw his vacation pay from the Home Treasury whether vacation is taken by itself or is combined with leave.

40. If a Government servant is unable to call at the Audit Office, the Audit Officer will cause the leave-salary certificate to be sent to the address specified by the Government servant and the pay and allowances to be paid

through the officer from whom the Government servant draws his pay and allowances.

*Note.*—(1) under rule 39 applies here also.

41. When a Government servant proceeds on extraordinary leave out of India, or on leave on average pay or half-average pay out of India during which he does not propose to draw leave-salary, or when a Government servant is given a colonial leave-salary warrant, he should be given a certificate of leave in Form No. 11. This certificate has to be presented by the Government servant to the High Commissioner for India if he is on leave in Europe, North Africa, America or the West Indies and applies for extension of leave or for permission to return to duty or for a last-pay certificate before returning to duty.

*Note.*—Whenever a Government servant is proceeding to a dominion or colony which does not account directly to India, a duplicate copy of the certificate in Form No. 11 under the Supplementary Rules should be sent to the High Commissioner with the duplicate copy of the colonial leave-salary warrant (vide rule 39).

## SECTION VIII.—RETURN FROM LEAVE.

42. A gazetted Government servant, on return from leave, must report his return to Government.

43. A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave. He must report his return to duty and await orders. He must, if necessary, also submit to such delay as may be required in the interest of the public service.

*Note.*—Controlling officers should provide for the expected return of Government servants from leave by seeing that the Government servants to be relieved are at headquarters in due time to give over charge.

### Return to duty.

44. (*a*) Before returning to duty, a gazetted Government servant who has drawn his leave-salary in India should obtain a last-pay certificate from the Audit Officer within whose jurisdiction his leave-salary was last paid, and deliver it to the Audit Officer, who audits his pay. Without such a certificate, he cannot obtain payment of any arrears of leave-salary or pay due to him.

(*b*) A Government servant who has been on leave in Europe must, on return to India, deliver to the Audit Officer the last-pay certificate obtained by him from the High Commissioner before he can obtain payment of any arrears of leave-salary or pay due to him. A Government servant who has drawn his leave-salary on a warrant must deliver his copy of the warrant which will serve as a last-pay certificate.

## RULINGS.

### Note (2) to Subsidiary Rule 39 under Rule 74 (a).

(1) District and Sessions Judges cannot draw their vacation pay in England, when vacation ~~is~~ taken by itself and spent in England as they are not officers belonging to a vacation department.

(Finance Memorandum No. 17874-2-C.S.R., dated 15th June 1932.)

(2) The admissibility of leave in the case of a Government servant officiating in a gazetted post should be certified to by the Audit Officer:

Provided that the Government servant is gazetted, it makes no difference whether he is substantive or officiating.

(Controller of Civil Accounts No. 1216-Admn. 434/28, dated the 31st October 1928.)

(3) When a Government servant is appointed to officiate in a gazetted capacity, the Audit Officer shall call for his leave account and maintain it. During leave, such a Government servant shall be deemed to hold a gazetted status for purposes of drawal of leave-salary, grant of extension of leave, issue of notifications, etc., irrespective of the fact whether on the expiry of his leave he would return to his gazetted post or not. The Audit Officer

will intimate the rate of leave-salary admissible to the officer direct, and the officer will draw his pay accordingly. Any extension of leave will also be certified by the Audit Officer.

[Finance Memo. No. 83902, (C.S.R.)—2, dated 7th January 1954.]

(4) Applications for extensions of leave by such a Government servant should be treated in the same way as similar applications from other non-gazetted servants, that is, the procedure prescribed in rule 2 of Appendix 10 to the Audit Code as amended by correction slip No. 205, dated 1st September 1930, should be followed. If the extension of leave applied for is leave in India, and the Government servant's leave account is with the Audit Officer, the leave account should be called for by the head of the office from the former so that he can scrutinize the admissibility of the extension asked for and deal with the application for leave. As regards the fixation of the leave-salary to be drawn during such extension, the Audit Officer should, while communicating the amount of leave-salary payable during the first period of leave, also state what the 'average pay' of the Government servant in question is, so that the officer drawing the leave-salary of the Government servant can determine the amount of leave-salary to be paid during the period of extension.

(Comptroller and Auditor-General's letter No. 727-Admn. No. 143/31, dated the 13th May 1931, to the Accountant-General, Posts and Telegraphs, communicated with the Comptroller and Auditor-General's No. 728-Admn. No. 143/31, dated the 13th May 1931.)

(5) In the case of an officer who is granted leave under subsidiary rule 24 (*a*) under Rule 74 (*a*) or under the third sentence of the note below Article 827-A, Civil Service Regulations, the leave should initially be treated as leave preparatory to retirement, but, if the officer returns to duty subsequently, the leave should be treated as leave on medical certificate for purposes of the proviso to Rule 81 (*b*) (ii) and Article 319 or 327, Civil Service Regulations, respectively. Necessary adjustments in leave accounts should be made and arrears of leave-salary, if any, should also be paid.

(G.O. No. 382, Finance, dated 21st October 1937.)

(6) The discretion allowed by subsidiary rule 24 (*c*) may be exercised in the case of Government servants who are sent before a competent medical authority either for grant of leave or for report as to their fitness for further service and the latter certifies them to be completely and permanently incapacitated for further service.

[G.Os. No. 576, Finance (Pension), dated 17th July 1930, and No. 348, Finance, dated 28th July 1936.]

(7) Rules 11 to 16 in Section III of the subsidiary rules under Fundamental Rule 74 (*a*) regulating the grant of leave on medical certificate to gazetted officers should be applied also to Government servants who are holding gazetted posts in an officiating capacity prior to their going on leave. An officiating gazetted Government servant who applies for leave or extension of leave should accordingly produce a certificate from a medical committee in support of his application for leave or extension of leave.

(G.O. No. 326, Finance, dated 20th January 1951.)

## ANNEXURE II—PART II.

### Rules made by the Governor-General in Council under Fundamental Rule 74 (b).

### LEAVE PROCEDURE TO BE FOLLOWED ELSEWHERE THAN IN INDIA.

#### REPORT OF ARRIVAL IN THE UNITED KINGDOM.

1. A Government servant taking leave in the United Kingdom must report his arrival in that country to the High Commissioner for India.

## PAYMENT OF LEAVE-SALARY.

### Payment at the Home Treasury.

2. No Government servant can begin to draw leave-salary from the Home Treasury until he has presented to the High Commissioner a leave-salary certificate in such form as the Comptroller and Auditor-General may prescribe.

3. Leave-salary is issued from the Home Treasury monthly in arrear on the first day of each calendar month.

4. Payment will be made, at the option of the Government servant drawing leave-salary, by any of the following methods:—

(a) To the Government servant himself on his personal application.

(b) To his banker or other agent, duly authorized under power-of-attorney, on production of a life certificate duly filled up and executed. In cases where the banker has guaranteed the President of the Republic of India or the High Commissioner against loss consequent upon dispensation with proof of existence, a life certificate is unnecessary.

*Note.*—A supply of life certificate forms may be obtained from the High Commissioner.

(c) To the presenter of a payment form comprising a receipt and a life certificate, both duly completed by the Government servant.

*Note.*—If the Government servant intimates to the High Commissioner this election of his method, he will be regularly supplied with the requisite payment form as the due date of issue approaches.

### Payment in Colony.

5. No Government servant can begin to draw leave-salary from a Colonial treasury until a warrant in Form I or I-A, as the case may be, has been issued in his favour. Such warrants will be issued in triplicate. The original, bearing the Government servant's signature, will be forwarded by the issuing authority to the colonial authority concerned; the duplicate to the High Commissioner; and the triplicate will be retained by the Government servant. Payment of leave-salary will not be made unless the colonial authority is in possession of the original and the Government servant of the triplicate of the warrant.

6. Each payment of leave-salary must be endorsed upon the back of both the original warrant and the triplicate, and an acknowledgment of receipt must be endorsed by the Government servant upon the back of both copies.

7. When no space for the entry of endorsement of payment remains upon the back of a warrant or when a warrant is lost or destroyed, a fresh warrant will be issued by the original issuing authority on the application of the Government servant sbumitted through the colonial disbursing officer.

8. If the transfer from one colony to another of payment of the leave-salary of a Government servant is sanctioned by the colonial authorities, such transfer must be reported by the Government servant to the Governor-General in Council and to the High Commissioner.

### Transfer of payment from the Home Treasury to a Colony and vice versa.

9. (a) If a Government servant who is drawing his leave-salary in a colony desires to transfer payment to the Home Treasury, he can do so on production of his warrant to the High Commissioner.

(b) If a Government servant who is drawing his leave-salary from the Home Treasury desires to transfer payment to a colony, he must obtain a warrant in Form I from the High Commissioner, who will forward the orginal of the warrant to the colonial authority concerned.

(c) A transfer sanctioned under clause (a) or (b) of this rule must be reported by the Government servant to the President of the Republic of **India**.

## EXTENSION OF LEAVE.

### General Rule.

10. A Government servant absent from India on leave who desires an extension of his leave must make application for such extension not less than three months before the expiry of his leave. An application made within three months from such expiry will not be considered unless special reasons for consideration exist.

APPLICATIONS BY GOVERNMENT SERVANTS IN EUROPE, NORTH AFRICA, AMERICA OR THE WEST INDIES.

11. An application for extension of leave by a Government servant on leave in Europe, North Africa, America or the West Indies must be made to the High Commissioner. Unless the extension is desired on medical grounds or is for a period of not more than fourteen days, the application must be accompanied by evidence that the Government on whose cadre the Government servant is borne has been consulted and has no objection to the extension. It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence, and then for such period only as may be necessary to obtain the orders of the Government concerned, which will be sought by telegraph at the applicant's expense.

12. If a Government servant on leave in any of the localities named in rule 11 desires, on medical grounds, an extension for a longer period than fourteen days he must satisfy the Medical Board at the India Office of the necessity for the extension. In order to do so, he must, as a general rule, appear at the India Office for examination by the Board, but in special cases and particularly if he be residing at a distance of more than 60 miles from London, a certificate in a form to be obtained from the High Commissioner may be accepted if signed by two medical practitioners. A certificate obtained outside the United Kingdom and signed by foreigners must be attested by Consular or other authority as bearing the signatures of qualified medical practitioners.

13. If a Government servant on leave in any of the localities named in rule 11 desires, on grounds other than medical, an extension of leave granted on medical certificate, he must satisfy the Medical Board at the India Office, by the procedure described in rule 12, that he has recovered his health.

APPLICATIONS BY GOVERNMENT SERVANTS ON LEAVE ELSEWHERE OUT OF INDIA.

14. An application for extension of leave by a Government servant on leave out of India elsewhere than the localities named in rule 11 must be made to the authority which granted the leave.

15. If an application made under rule 14 is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form:—

" We hereby certify that we have carefully examined *C.D.* of the who is suffering from and we declare upon our honour that, according to the best of our judgment and belief, he is at present unfit for duty in India, and that it is absolutely necessary for the recovery of his health that his present leave, which will expire in India on shall be extended by months/weeks ."

Date

Place

The certificate must describe in full detail the nature of the disease and the present condition of the Government servant. If it be signed by foreigners, it must be attested by Consular or other authority as bearing the signatures of qualified medical practitioners.

CERTIFICATE OF LEAVE NECESSARY BEFORE EXTENSION CAN BE GRANTED TO A GOVERNMENT SERVANT WHO IS NOT IN POSSESSION OF A LEAVE-SALARY CERTIFICATE.

16. An extension of leave will not be granted by the High Commissioner to a Government servant to whom no leave-salary certificate has been issued, or who exchanged his leave-salary certificate for a warrant before leaving India unless he produces a certificate of leave in Form No. II.

## RETURN FROM LEAVE.

### Permission to return.

17. A Government servant who is required, by or under Fundamental Rule 71, to produce a medical certificate of fitness before returning to duty, must obtain permission to return to duty before so returning.

18. If the Government servant desiring to return is on leave in any of the localities named in rule 11, his application must be made to the High Commissioner and he must satisfy the Medical Board at the India Office of his fitness to return at least two months before the expiry of his leave. In order to do so, he must follow the procedure prescribed in rule 12. When the Medical Board has been satisfied, the High Commissioner will grant permission to return.

19. If the Government servant desiring to return is on leave out of India elsewhere than in the localities named in rule 11, his application must be made to the authority which granted his leave and must be accompanied by a certificate of fitness in the prescribed form.

20. Permission to return cannot be granted to a Government servant to whom no leave-salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving India, until he produces a certificate of leave in Form No. II.

### Last-pay certificate.

21. Before returning to duty, a Government servant on leave in Europe must obtain a last-pay certificate from the High Commissioner and bring it with him to India and not leave it with his Home Agents as it will be required for presentation to the Audit Officer if it is decided to draw on arrival in India the advance which is permissible under the rules. In such an event, the English last-pay certificate should be with the Government servant as it facilitates his identification at the Audit Office and the advance has to be recorded on the certificate. A last-pay certificate cannot be granted to a Government servant to whom no leave-salary certificate has been issued unless he produces a certificate of leave in Form No. II. A Government servant, who has drawn his leave-salary on a warrant, must, on return to India, deliver to the Audit Officer his copy of the warrant, which will serve as a last-pay certificate.

## RULINGS.

### Application for extensions of leave.

(1) When an application for extension of leave is received from a Government servant on leave in any of the localities mentioned in rule 11, the State Government will inform the officer whether or not there is any objection to the grant of the desired extension, and if the extension is approved, instruct him to apply to the High Commissioner for the formal grant.

(Government of India, Finanace Department, No. F. 303-C.S.R.-25, dated 14th October 1925.)

### Advance of leave-salary to Military officers in Civil employ.

(2) Advance of leave-salary to Military officers in Civil employ, granted leave under Civil Leave Rules, should be regulated by these rules only. The advances authorized in the Pay and Allowances Regulations for the Army in India are admissible only to officers in Military employ.

(Controller of Military Accounts, Poona, letters No. B, 789, dated 3rd May 1932 and No. B-789, dated 26th May 1932.)

## ANNEXURE II—PART III.

### Subsidiary Rules under Rule 74 (a) (iv).

### MAINTENANCE OF RECORDS OF SERVICE.

### GAZETTED GOVERNMENT SERVANTS.

1. A record of the services of each gazetted Government servant is maintained by the Audit Officer who usually audits his pay or who accounts for the contribution recovered from the foreign employer in the case of a Government servant lent to foreign service.

### NON-GAZETTED GOVERNMENT SERVANTS.

2. *Duty of the head of the office.*—Except in the case of members of the Police force of rank not higher than that of head constable and last grade servants of all sorts, a service book in Fundamental Rule Form No. 10 should be opened for every non-gazetted Government servant at his own cost, as soon as he is regarded as selected for admission to a Government service and as on probation for that service. It should be kept in the custody of the head of the office in which he may be serving and transferred with him from office to office. It is the duty of the head of the office to see that all entries are duly made and attested.

3. *Duty of non-gazetted Government servants.*—It is the duty of every Government servant to see that his service book is properly maintained and that all erasures in it are attested. The head of the office will allow a Government servant to examine his service book, should he at any time desire to do so.

4. *Certificates of character not to be entered.*—Personal certificates of character should not be entered in a service book.

5. *Kind of punishments.*—When the probation of a Government servant is terminated or when a Government servant is reduced to a lower post, dismissed or removed from service or suspended from employment, the reason for the termination of the probation, reduction, dismissal, removal or suspension, as the case may be, should always be briefly stated thus: 'Probation terminated on the ground of unfitness,' 'Reduced for inefficiency,' etc. The head of the office should make efficient arrangements for these entries being made with regularity. The duty should not be left to the non-gazetted Government servant concerned.

Copies of all orders regarding reduction, dismissal or suspension should be filed with the service book.

6. *The maintenance of service books.*—In the service book, every step in a Government servant's official life, including temporary and officiating promotions of all kinds, the date on which the period of probation is satisfactorily completed, increments and transfers and leave of absence taken, should be regularly and concurrently recorded, each entry being duly verified with reference to departmental orders, pay bills and leave statements and attested by the head of the office. If the head of the office has a gazetted assistant, he may delegate the duty of attesting the entries to such an assistant. If the Government servant is himself the head of an office, the attestation should be made by his immediate superior. Any special test examination passed by the Government servant should be entered in the service book, together with a reference to the number and date of the notification directing the publication of the names of the successful candidates in that test, and the part and date of the *Fort St. George Gazette*, in which the notification was published. Officiating and temporary service and leave taken prior to first substantive appointment to a permanent post should also be recorded in the service book and duly attested after verification. The head of the office should also invariably give necessary particulars with reference to Articles 370 and 371 of the Civil Service Regulations with a view to enable the Audit Office to decide later on by reference merely to such particulars whether the temporary or officiating service will qualify for pension or not; for example, in the case of officiating service, the nature of the vacancy in which the Government servant officiated

and in the case of temporary service, whether the temporary post was subsequently made permanent, should be stated. In the case of members of the Madras Ministerial Service, the date of birth should be verified with reference to the date given in the lists of eligible candidates published by the Madras Services Commission in the *Fort St. George Gazette* or the District Gazette, as the case may be. In other cases, the date of birth should be verified with reference to the entries in the applications for appointment as accepted by the Madras Services Commission and transmitted to the appointing authorities. In the case of a Government servant the year of whose birth is known but not the date, the 1st July should be treated as the date of birth. When both the year and the month of birth are known, but not the exact date, the 16th of the month should be treated as the date of birth. Finger-prints of the Government servant should be obtained in the space provided for the purpose in the service book itself. The impressions should not be taken on separate slips of paper and pasted to the service book.

*Note* 1.—The date of birth entered in the service book can be altered, except in the case of a clerical error, only under the orders of the State Government. This power may be exercised in the case of non-gazetted Government servants by heads of departments and also by all Collectors of districts, Superintending Engineers, Chief Operation Engineers (Electricity), Chief Construction Engineers (Electricity), District nad Sessions Judges, Conservators of Forests and Deputy Inspectors-General of Police.

*Note* 2.—Managers of District Police offices may attest entries in service books and service rolls on behalf of District Superintondents of Police.

7. *Transfer to another office.*—When a non-gazetted Government servant is transferred, whether permanently or temporarily, from one office to another, the necessary entry of the nature and reason of the transfer should be made in his service book in the office from which the Government servant is transferred, and the book, after being duly verified to date and attested by the head of that office, should be transmitted to the head of the office to which the Government servant has been transferred, who will thenceforward have the book maintained in his office. If he should find any error or omission in the book on receipt, he should return it to the forwarding officer for the purpose of having the error rectified or the omission supplied before the book is taken over by him. The service book should not be made over to the non-gazetted Government servant who has been transferred.

8. *Transfer to foreign service.*—If a non-gazetted Government servant is transferred to foreign service, the head of the office or department should send his service book to the Audit Officer who will return it after noting therein, under his signature, the orders sanctioning the transfer and other necessary particulars in connexion with the transfer. On the Government servant's proceeding on leave from foreign service or on his re-transfer to service under the Indian Union or a State, his service books should again be sent to the Audit Officer for recording all necessary particulars connected with the leave or re-transfer to service under the Indian Union or a State including the fact of recovery of leave and pension contributions.

8-A. In the case of ex-military men re-employed in the civil department, who refund the gratuity under Article 356, Civil Service Regulations, the service books should, after the gratuity has been refunded in full, be sent to the Audit Office for recording therein the necessary particulars connected with the refund of the gratuity.

9. *Transfer to a gazetted post.*—When a non-gazetted Government servant is officiating in a gazetted post, his service book should be kept by the head of the office to which he permanently belongs, but when he is confirmed in such a post, his service book should be forwarded to the Audit Officer who maintains the record of his services under rule 1.

10. *Service rolls for the police and last grade servants.*—In the case of members of the police force of rank not higher than head constables, there shall be kept up for each district by the District Superintendent of Police a service roll in English in which shall be recorded the date of the enrolment of each person in the constabulary, his caste, tribe, village, age, height and marks of identification when enrolled; his rank, promotion, reduction or other punishment; his absence from duty on leave or without leave; and every other incident in his service which may involve forfeiture of portions of his service or affect the amount of his pension. The roll should be checked by the vernacular roll and order book and the punishment register, and every entry in it should be signed by the Manager of the District Police office.

From this roll, the necessary statement of service of every applicant for pension shall be prepared, additional proofs being collected, in respect of any service rendered before enrolment in the constabulary which the applicant may be entitled to count.

If the date of birth of any person on enrolment in the constabulary cannot be correctly ascertained, the age as estimated by the medical officer when granting certificate of physical fitness for recruitment to the service should be entered in the service roll.

11. Similar service rolls should be maintained for last grade servants of all sorts.

Where the date of birth of a last grade Government servant cannot be correctly ascertained, the age as estimated by the medical officer when granting certificate of physical fitness to the Government servant should be entered in the service roll.

11-A. Service rolls for police constables, head constables, leading firemen, firemen and other equivalent ranks in the Fire Services Branch and last grade Government servants shall be opened at the expense of Government.

12. *Annual verification.*—The service books and rolls in each office should be taken up for verification in January of every year by the head of the office who, after satisfying himself that the services of the Government servant concerned are correctly recorded in his service book or roll in conformity with the above instructions, should record therein a certificate in the following words over his signature:—" Services verified up to (date) from (pay bills, acquittance rolls and similar records to be specified by reference to which the verification was made)." The head of the office in recording the annual certificate of verification should, in the case of any portion of service that cannot be verified from office records, distinctly state that, for the excepted periods (naming them), a statement in writing by the Government servant as well as a record of the evidence of his contemporary employees is attached to the book or roll. Heads of offices may delegate the duties imposed upon them to their gazetted assistants, if any. They should, however, inspect at least 10 per cent of the service books and rolls and initial them in token of having done so, unless the Government specially fix a lower percentage in any case.

*Note.*—The verification of service referred to above should be in respect of all service qualifying o pension whether permanent, provisional, temporary or officiating.

13. *Periodical inspection.*—It is the duty of officers inspecting subordinate offices to inspect the service books maintained there. They should see that they are maintained up to date, that entries are properly made and attested, that verification has been properly carried out and the necessary statement and evidence secured and verification certificates have been properly recorded by the heads of the offices.

14. *Deleted.*

15. When a Government servant's service is terminated by dismissal, his service book should be retained for a period of five years or until the Government servant's decease, whichever is earlier, after which it will be destroyed. A similar procedure should be followed in the case of a Government servant whose probation is terminated. The head of the office in which he was last employed should retain the service book in such cases.

16. When a Government servant's service is terminated by resignation or discharge without fault and no pension is given to him, his service books should be retained for a period of five years from the date of his resignation or discharge. In the event of his death within the period of five years, the service book should be retained for a period of six months only from the date of his death.

17. The service book of a Government servant who has been dismissed and who is afterwards reinstated should, on requisition, be returned to the head of the office in which he is re-employed.

A similar course should be adopted when a Government servant has been discharged without fault or resigns and is subsequently re-employed.

## RULINGS.

### Record of the nature of leave rules in service books.

* (1) Where a non-gazetted Government servant is subject to the leave rules of 1920 or the special leave rules, the entry "leave rules, 1920" or "leave rules, *special*". should be made in his service book; where no such entry is made, it is to be understood that the Government servant is governed by the ordinary leave rules.

In the case of a non-gazetted Government servant subject to the special leave rules, a copy of the Government order allowing the benefit of the special leave rules under Fundamental Rule 75 (2) (*a*) should be attached to the service book.

(G.O. Ms. No. 532, Finance, dated 19th July 1924.)

(2) In the case of officers directly recruited to posts in services other than the subordinate services, the date on which the period of probation is satisfactorily completed should be noted in the History of Services.

The dates will be communicated by Government.

(G.O. No. 82, Finance, dated 9th February 1933.)

(3) When a military employee is transferred to a civil department and assumes a civilian status, the date of birth to be entered in his service book should be the date stated by him at the time of attestations.

[G.I., F.D. No. 1450-C.S.R., dated the 24th August 1923; G.O. Ms. No. 411, Finance (Pension), dated the 24th September 1923.]

### Verification of entries made in service books.

(4) The verification of entries made by a clerk in service books may be entrusted to his immediate departmental superior if the head of the office sees fit, but the responsibility as to their accuracy will rest with the latter officer who has to attest them.

[Paragraph 1 under C.S.R. 821, Note (1) in the Madras Supplement.]

(5) Service books need not be maintained for the temporary establishment of copyists and examiners, process servers and establishments for stamping weights and measures in view of the fact that these establishments paid from the fees realised are not eligible for leave under the Fundamental Rules.

(G.O. Ms. No. 806, Revenue, dated 10th April 1931.)

## ANNEXURE II—PART IV.

## FORMS.

No. of 19 .

F.R. FORM No. 2.

(*See* Rules 33 and 37 of Part I of Annexure II.)

*Leave-salary Certificate.*

Leave-salary certificate.
of the
proceeding on to

1 Government under which employed .. 1

2 Substantive post .. .. .. .. 2

3 Officiating post (if any) .. .. .. 3

Statement of present leave .. .. 4

| Nature of leave, specifying periods on average pay, half average pay and quarter average pay separately. | Y.M.D. From | To | Monthly rate of leave salary (and allowances, if any), subject to the deductions noted on next page. | Article and clause of the Fundamental Rules or other Regulations. |
|---|---|---|---|---|

* This order is applicable to all Government servants subject to the audit control of the Accountant-General, Madras.

5 Place of payment .. .. .. .. 5

6 Date from which first payment is to be made. 6

7 Amount (if any) paid in advance .. 7

*8 Government and head of account to which the payment is debitable. 8

9 Date of leaving India .. .. .. 9

10 Date on which the Government servant will, during the currency of leave, complete the term of service or attain the age after which by any rule he is required to retire from the service, as for instance 55 years of age. 10

†11 Period for and terms on which leave may be extended or commuted otherwise than on extraordinary leave. 11

granted
May be extended
on medical certificate

without medical certificate
on same leave-salary by

(Further particulars required in the case of military officers in civil employ.)

12 Date of commencement of pension service. 12

13 Date of entry under civil leave rules .. 13

14 Amount of leave at credit at commencement of present leave. 14 { Earned in respect of service under military rules. Earned in respect of service under civil rules.

15 Date of being struck off duty .. .. 15

16 Deductions to be made— Rates.

| | | |
|---|---|---|
| Civil Fund deductions .. .. .. | For wife/self £ | per mensem from |
| Indian Civil/Military Service Family Pensions or | ,, sons £ | ,, |
| Indian Military Widows' and Orphans' Fund subscriptions. | ,, daughters £ | ,, |
| | Total £ | |

A balance of donation on/for £ and interest £ ‡ is recoverable at £ a month from General Provident Fund.

Indian Civil Service Provident Fund deductions (if any).

*Date* 19 . (Signature)

(Designation)

ABBREVIATIONS.

M.C. = Medical Certificate. Y.M.D. = Years, Months, Days.
E.C.A. = Exchange Compensation Allowance. Art. = Article.

*Notes.*

1. Distinguish leave granted on medical certificate from leave granted without medical certificate, and if the leave, though technically of the latter description, was granted in consequence of the production of a medical certificate or on medical grounds, mention the fact.

* The following particulars should be noted in this line :—

(1) The major, minor and detailed head of account.

(2) Whether debitable to Central or State revenues; if the latter, the name of the State Government.

(3) Whether the expenditure pertains to a reserved or a transferred subject.

(4) Whether the expenditure is voted or non-voted.

(5) When the head of account to which the leave-salary is debitable during extensions of leave differs from the head of account debitable during the period of leave originally granted, such variations should also be indicated.

† If the leave granted is less than 22 months, calculations up to 28 months' absence only may be given in the first instance, and as soon as the leave is extended so as to bring the total period of absence from duty to 22 months or more, an amendment to the leave-salary certificate be issued at once.

‡ In the case of subscribers to the Indian Civil Service Family Pensions, interest accrued in India be given here.

2. Except in the case of Chaplains, leave-salary should be stated in whole rupees only a month (fractions being omitted and the next higher rupee taken where the fraction exceeds half) and not in pounds a year; and in entering "the rate of leave-salary" it should be stated in the first place, without reference to the maximum or minimum applicable, and then, if a maximum or minimum applies or if the leave-salary is such that a future change in the current rate of exchange may render a maximum or minimum applicable, the words should be added "subject to a maximum (or minimum) of", etc.

3. The ordinary rate of conversion will be the rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment becomes due, subject to a minimum rate of 1*s*. 4*d*. per rupee in respect of leave-salary drawn on account of the first four months of leave on average pay and of 1*s*. 6 *d*. per rupee in other cases. The maximum rates of leave-salary are those prescribed in Fundamental Rule 89 and the minimum rates those prescribed in Fundamental Rule 90.

4. It must be shown whether a Government servant is entitled to the full amount of leave permitted by the rules.

5. In line 7, the articles of the Fundamental or other rules under which the advance is made, should be mentioned.

6. The date on which any Government servant will, during the currency of leave, complete the term of service, or attain the age after which by any rule he is required to retire from the service, should be shown in line 10.

7. These rules apply also to leave-salary certificate granted to non-gazetted Government servants when they proceed on leave out of India and draw their leave-salary out of India. In such cases, the fact that the Government servant is a non-gazetted Government servant should be noted against entry 2.

8. In preparing the leave-salary certificates of the subscribers to the Indian Military Family Pension Regulations and to the Indian Military Widows' and Orphans' Fund, who take leave under the Fundamental Rules, the instructions given in Government of India, Finance Department, No. 914-F.E, dated the 10th May 1922, should also be observed, viz., the leave-salary certificate should show clearly the rate of leave-salary, the monthly maximum average pay, whether it is likely to become effective or not, and the period for which the leave-salary is not subject to the monthly maximum.

9. In the case of Government servants to whom the rules regarding the grant of passages to Civilian Personnel of British Domicile engaged for service in India apply, an additional entry should be made showing whether they and their families were given the benefit of rule VII, and whether they were allowed a similar benefit under either rule VII or rule VIII on returning to India.

10. In the case of a motor car and similar advances, the date from which the recovery of monthly instalments should be effected should be noted.

11. With the exception of privilege leave earned in a civil department which should be taken first, a military officer in a civil employ may set off the leave he takes against the civil leave or military leave at his credit as he likes. A definite election in the matter should be obtained from all such officers and this election should be noted in the leave-salary certificate.

## F.R. FORM No. 4.

(*See* Rule 38 of Part I of Annexure II.)

(*Audit Officer's letter to the Government servant proceeding on leave out of India.*)

The 19

No.

From

THE

To

SIR,

Here enter number and date of the order, name of the authority granting the leave, and page of the Gazette in which the leave is notified.

With reference to the order noted in the margin, granting you leave out of India, I have the honour to say that it is necessary for you to obtain from me a leave-salary certificate to enable you to draw your leave-salary.

2. To enable me to prepare your leave-salary certificate, it is necessary that you send me the information asked for in the enclosed F.R. Form No. 5 and also your formal certificate of giving over charge of your office, date and hour, at your earliest convenience.

3. If you are in, or intend to pass through (Audit Officer's station), your certificate will be prepared, and your pay and allowances paid up to the date before your leave commences, except in the case referred to in paragaraph 4 below, on your calling personally at my office, and presenting a last-pay certificate, from the officer from whom you last drew your pay and allowances. Otherwise, I shall cause the leave-salary certificate to be sent to the address specified by you, and the pay and allowances to be paid through the officer from whom you draw your pay and allowances

4. Leave-salary due for the first four months of leave on average pay taken by itself or in combination with other leave may be drawn either in India or out of India. If you desire to draw it in India, a separate leave-salary certificate for this portion of leave will be issued, but you will be allowed to draw the pay and allowances for the broken period of that month up to the date of relief only at the commencement of the next month along with the leave-salary for the rest of the month. Leave salary may be drawn in sterling or rupees (at your option) in respect of leave spent out of Asia.

5. If you wish to draw your leave-salary in India under the provision of paragraph 4 above, you should either grant your agent a power-of-attorney or leave your bills ready signed in their custody for presentation as they fall due. A guarantee bond undertaking to refund overpayments should be furnished by your agents unless they have executed a general bond of indemnity.

6. I send herewith a copy of memorandum of information for the guidance of Government servants proceeding on leave out of India and a blank form (F.R. Form No. 7) of the date of leaving India to be signed and sent to me from the first port at which your vessel touches.

7. If you wish to draw your leave-salary in a colony, please send me three specimens of your signature.

*Note.*—Paragraphs 4 and 5 do not apply to non-gazetted Government servants who have to draw their leave-salary through the head of the office and should be omitted from the letters addressed to them.

*Accountant-General,*

*Comptroller.*

## F.R. FORM No. 5.

(*See* Rule 38 of Part I of Annexure II.)

*Information required by the Audit Officer before the leave-salary certificate can be drawn up.*

(This form should be returned duly filled up to the Audit Officer one clear week before the date of making over charge.)

| | |
|---|---|
| 1 On what date you intend to make over charge of your office ? | 1 |
| 2 Before or after noon ? | 2 |
| 3 At what port do you intend to embark ? | 3 |
| 4 By what ship will you sail and on what date ? | 4 |
| 5 In what country do you wish to draw your leave-salary during leave on average pay for a period not exceeding four months, if any, at the commencement of your leave ? | 5 |
| 6 What is your address in England or in India or elsewhere to which your leave-salary certificate, to enable you to draw your leave-salary, may be sent, in case it is not handed over to you before you go on leave ? | 6 |
| 7 What advance, if any, do you require now ? | |
| 8 Do you intend to pay your Civil Fund subscriptions in England or in India ? | 8 |
| 9 Do you wish to subscribe to the General Provident Fund ? If so, at what rate ? | 9 |

Nos. 3 and 4 are for Government servants to whom the leave rules in sections I to V of Chapter X of the Fundamental Rules are not applicable.

No. 5 (Leave-salary due for the first four months of the period of leave on average pay, if any, at the commencement of any period of leave out of India can be drawn in or out of India at the Government servant's option. In India they can be drawn only on the first of each month in arrears by an authorized agent under a guarantee bond or on production of a life certificate. The allowances for a broken period of a month may be drawn any time after the expiration of the leave.)

No. 7 is for military officers subject to the Military Leave Rules only.

No. 8 is for members of the Indian Civil Service only.

*Note.*—(1) In the case of non-gazetted Government servants to whom note (9) to F.R. Form, No. 2 or note (4) to Form No. I under the Supplementary Rules apply, an additional question should be inserted to obtain the information required under that note.

(2) With the exception of privilege leave earned in a civil department which should be taken first, a military officer in civil employ may set off the leave he takes against the civil leave or military leave at his credit, as he likes. When Form No. 5 is sent to such an officer, question No. 10 should be added in manuscript " Is the leave to be set off against the military leave or against the civil leave at your credit ?" The answer should be noted on his leave-salary certificate.

Dated at
The of 19 .
To the Accountant-General.

(Signature)

(Designation)

## F.R. FORM No. 6—*Deleted.*

## F.R. FORM No. 7.

(*See* Rule 31 of Part I of Annexure II.)

*Report of actual sailing.*

From

To

THE ACCOUNTANT-GENERAL,

SIR,

I have the honour to report that I sailed from India by the steamer " " which left on day the of 19

I have, etc.

(Signed)

Noted and forwarded to the Secretary to the Government of Department

*The* 19 .

*Accountant-General.*

*Comptroller.*

## F.R. FORM No. 8—*Deleted.*

# F.R. FORM No. 9 (SPECIAL LEAVE RULES).

(*See* Rule 1 of Part I of Annexure II.)

*Leave account of*

| | | | | | | | | | Leave taken. | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | On half or quarter average pay. | | | | | |
| | | | Leave earned. | Leave at credit [(2) + (7)]. | On average pay. | | | From | To | Actual period. (a) | Period converted to leave on average pay. (b). | Total [(4)+(5) (b)]. | Balance [(3) — (6)]. | Signature of attesting officer. |
| (1) | | | (2) | (3) | (4) | | | | | (5) | | (6) | (7) | (8) |
| From | To | Y. M. D. | Y. M. D. | Y. M. D. | From | To | Y. M. D. | | | Y. M. D. | Y. M. D. | Y. M. D. | Y. M. D. | |

*Instructions.*

(1) The account is to be maintained in terms of leave on average pay.

(2) In the case of Government servant already in Government service, the first entries, i.e., the entries that will be made on 1st January 1922 or from the date on which the Government servant concerned elects to come under the Fundamental Rules, will be in columns (3), (4) and (5), the entries to be made in accordance with the Fundamental Rules 77 and 78.

(3) When a Governmen servant applies for leave, columns (1) to (3) are to be filled up for arriving at the leave at his credit. The period of leave shown in column (3) should be arrived at by adding the new entry in column (2) to the last previous entry in column (7).

(4) When a Govenment servant returns from leave, columns (4), (5), (6) and (7) will be filled up. The portion of the leave on half or quarter average pay together with the leave on subsistence grant under the note to Rule 88 will be entered in column (5) (*a*) and this period divided by 2 is the entry to be made in column (5) (*b*).

(5) The maximum prescribed in Fundamental Rule 81 (*a*) will be applied to the totals of the periods in column (6) while the maximum in Fundamental Rule 81 (*b*) should be applied to totals of the periods in column (4).

(6) If a Government servant passes from under the ordinary to the special leave rules, a new leave account must be opened.

(7) When a Government servant is transferred from service under another Government, a separate account should be opened in this form for showing the leave earned under that Goverement and the leave, the cost of which is debited to that Government. This account will be in addition to the main leave account, which must be a complete record of all leave earned and taken under these rules throughout his service.

# F.R. FORM No. 9-A (ORDINARY LEAVE RULES).

(*See* Rule 1 of Part I of Annexure II.)

Leave Account of
Date of commencement of service
Date of contract, if any

Date of attaining the age of 55/60 years.
Date of coming under Civil Leave Rules.

| Duty. | | | Leave earned. | | Leave at credit. | | | Leave taken. | | | | | | | Balance (on return from leave). | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | On average pay. | | | On half or quarter average pay. | | | | | | | |
| | | | 1/11th of duty subsequent to coming under Fundamental Rules [Rule 81 (*b*) (*ii*)]. | Balance of 2/11ths of duty subsequent to coming under Fundamental Rules. | 1/11th of duty subsequent to coming under Fundamental Rules [Rule 81 (*b*) (*ii*)] [cols. (16)+(4)]. | Balance of 2/11ths of duty subsequent to coming under Fundamental Rules [cols. (17) + (5)]. | Total [cols. (6) + (7)]. | Dates. | Against entry in col. (6). | Against limit of one year for leave on medical certificate and leave spent elsewhere than in India or Ceylon or Nepal [Proviso to Rule 81 (*b*) (*ii*)]. | Dates. | Actual period. | Actual period converted into period in terms of leave on average pay. | Total [cols. (10)+(11)+(14)]. | Of leave equivalent to 1/11th of duty subsequent to coming under Fundamental Rules [Rule 81 (*b*) (*ii*)] [co's. (6)—(10)]. | Of leave equivalent to balance of 2/11ths of duty subsequent to coming under Fundamental Rules [col. (7) — cols. (11) + (14)]. | Total [cols. (8) — (15)]. | Remarks. |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) | (18) | (19) |
| Government served under. | From. To. | y. m. d. | y. m. d. | y. m. d. | y. m. d. | y. m. d. | y. m. d. | From. To. | y. m. d. | y. m. d. | From. To. | y. m. d. | y. m. d. | y. m. d. | y. m. d. | y. m. d. | y. m. d. | |

*Instructions for filling up F.R. Form No. 9-A.*

1. The account is to be maintained in terms of leave on average pay. For this purpose, actual periods of leave taken on half or quarter average pay as entered in column (13) should be divided by two and posted in column (14).

2. In the case of officers who were subject to the Civil Service Regulations Leave Rules before they elected the Fundamental Rules, the account should commence with an opening entry in columns (4), (5), (6), (7), (8), (11) (13), (14), (15), (16), (17) and (18). The words " Due on (date of coming under the Fundamental Rules) " should be written across columns (1), (2) and (3) and against these words credit under Rule 77 (*b*) (*ii*) (1) should be given in column (4) and column (6) and that under Rule 77 (*b*) (*ii*) (2) and Rule 77 (*e*) in column (5) and column (7) while debit for commuted furlough taken under the old leave rules should be given in column (11) and that under Rule 78, Note (2) (*i*) (*a*), in column (13), one-half of the latter being entered in column (14). The sum total of the entries in columns (6) and (7) and in columns (11) and (14) should be entered in columns (8) and (15) respectively. The difference between the entries in columns (8) and (15) should be entered in column (18) and the entry in column (4) or (6) should be repeated in column (16) while the entry in column(5) or (7) minus the sum total of the entries in columns (11) and (14) should be shown in column (17).

3. When a Government servant applies for leave, columns (1) to (8) should be filled up. Columns (1), (2) and (3) should show the Government served under and the period of duty up to the date preceding that on which the Government servant intends to go on leave, and columns (4) and (5) should each show 1/11th of this period (but see Note 2 below), the sum total of the two entries representing the period of leave (i.e., 2/11ths of duty) earned under Rule 77 (*b*) (*ii*) (3). To the new entry in column (4) should be added the last entry in column (16) and the resultant figure should be posted in column (6); similarly to the new entry in column (5) should be added the last entry in column 17 and the resultant figure should be posted in column (7). The total of the entries in columns (6) and (7) will be shown in column (8).

*Note.*—(1) If during the period of duty prior to a Government servant's going on leave he has served under two or more Governments, the period of duty and the leave earned under each Government should be shown in separate lines in columns (1) to (5) and the sum total of the new entries in column (4) and the last entry in column (16) should be posted in column (6) and of those in column (5) and the last entry in column (17) in column (7), the total of the entries in columns (6) and (7) being shown in column (8).

(2) The sum total of the entries in column (5), inclusive of the opening entry mentioned in instruction No. 2, should not exceed 2½ years [Rule 81 (*a*) (*ii*)], and no entry should be made in this column when this limit of 2½ years is reached.

When columns (1) to (8) have been posted, column (8) will show the *maximum* amount of leave which may be granted *in terms of leave on average pay* [but see Rule 81 (*d*)] to a Government servant on the date on which he intends to go on leave. The *maximum* amount of leave on *average pay* which may be granted on that date with medical certificate or out of India, Pakistan, Ceylon, Nepal, Burma or Aden will be the sum total of the last entry in column (6) and the unspent balance of " one year " limited to eight months at a time provided this sum total is covered by the period entered in column (8); in the case of leave in India, Pakistan, Ceylon, Nepal, Burma or Aden without medical certificate the maximum will be the last entry in column (6), limited to four months at a time. The limits of eight and four months may be exceeded as provided in the note to Fundamental Rule 81 (*b*).

4. When a Government servant returns from leave, columns (9) to (18) should be filled up. The period of leave taken on average pay should be entered in columns (9), (10) and (11), that taken on medical certificate or spent elsewhere than in India or Ceylon should be entered in column (11) till the limit of one year is reached and thereafter in column (10). The actual periods of leave on half or quarter average pay (together with leave on subsistence grant under the note to Fundamental Rule 88) and overstayal of leave (vide Fundamental Rule 73) should be entered in column (13) and one-half of it in column (14).

*Note.*—(1) Leave on average pay taken under the Fundamental Rules in India without medical certificate in excess of the last entry in column (6) before the deletion of "*plus* one year" from Rule 81 (*b*) (*ii*) should be entered in column (11).

(2) If leave taken on half average pay exceeds the amount at credit on half average pay, the excess should be shown in red ink in column (17). If this debit shown in column (17) exceeds the credit, if any, shown in column (16), the net debit in column (18) will be recorded in red ink. The entry in column (18) is the leave due under Fundamental Rule 80. The balance of leave due on average pay shown in column (16) remains unaffected by any debit entries in columns (17) and (18) but cannot be utilized until, under the operation of Fundamental Rules 77 and 80 (*e*), leave again becomes due under Fundamental Rule 80 and then only to the extent of leave due.

5. The total period of leave in terms of leave on average pay taken in a Government servant's whole service as entered in column (15) should not exceed the privilege leave credited to him in column (4) on his coming under the Fundamental Rules *plus* all periods on leave subsequently entered in that column plus 2½ years.

6. When a Government servant is transferred to service under another Government, a separate account should be opened in this form for showing the leave earned under that Government and the leave the cost of which is debited to that Government. This account will be in addition to the main leave account which must be a complete record of all leave earned and taken under these rules throughout his service.

## RULING.

It is not the intention that a few days taken by an officer to catch a steamer after handing over charge should be treated as leave in India. A short interval from the date of relief to the date of sailing should be treated as leave out of India for the propose of making entries in the History of Services, as well as for the purposes of leave account in the case of Government servants, subject to the ordinary leave rules.

When joining time is not admissible to an officer returning from leave out of India under Fundamental Rule 105, the period from the date of debarkation to the date of joining duty should be treated as leave in India both in the case of Government servants subject to the ordinary leave rules and those subject to the special leave rules and leave-salary for the period paid at rupee rates only.

(Conptroller and Auditor-General's letter No. 21-A 292/35, dated 11th January 1936).

*Note.*—The term "short interval" occurring in the first paragraph of the above paragrapah should be interpreted to mean "any reasonable interval" and has to be decided on the merits of each case.

(Accountant-General's orders, dated 26th June 1934.)

## F.R. FORM No. 10.

(*See* Rule 2 of Part III of Annexure II.)

*Service Book.*

Space should be provided on the reverse of the title page of the service book to record thumb and finger impressions of (non-gazetted) Government servants under the following heading:—

"Thumb and finger impressions of (non-gazetted) Government servant."

The opening page of the service book should contain the following entries:—

(1) Name.
(2) Scheduled caste or Scheduled tribe or Backward class [convert to christianity from Scheduled castes to be indicated as B.C. (C.S.C.) only if the Government servant is himself a convert from the Scheduled caste];
(3) Native district.
(4) Residence.
(5) Father's name and residence.
(6) Date of birth by the Christian era as nearly as can be ascertained.
(7) Place of birth.
(8) Exact height by measurement.
(9) Educational and other qualifications.
(10) Departmental tests or special tests, if any, passed with reference to number and date of the gazette notification.
(11) Mother-tongue.
(12) Personal marks of identification.
(13) Signature of Government servant.
(14) Signature and designation of the head of the office or other attesting officer.

*Note.*—The entries in this page should be renewed or re-attested at least every five years, and the signature in lines (13) and (14) should be dated. Finger prints need not however be taken afresh every five years under this rule.

The remaining folios of the service book should be divided into fifteen columns, viz.—

(1) Name of appointment.
(2 Whether substantive or officiating and whether permanent or temporary.

(3) If officiating, state—
(i) substantive appointment or
(ii) whether service counts for pension under Article 371, Civil Service Regulations.
(4) Pay and scale of pay in the substantive appointment.
(5) Additional pay for officiating (the scale of pay of officiating post to be indicated).
(6) Other emoluments falling under the term " Pay ".
(7) Date of appointment.
(8) Signature of Government servant.
(9) Signature and designation of the head of the office or other attesting officer in attestation of columns (1)—(8).
(10) Date of termination of appointment.
(11) Reason of termination (such as promotion, transfer, dismissal, etc.).
(12) Signature of the head of office or other attesting officer.
(13) —

| Nature and duration of leave taken. | Allocation of periods of leave on average pay up to four months for which leave-salary is debitable to another Government. | |
|---|---|---|
| | Period. | Government to which debitable. |

(14) Signature of the head of office or other attesting officer.
(15) Reference to any recorded punishment or reward of the Government servant.

## FORM No. I. UNDER THE SUPPLEMENTARY RULES.

(*See* Rules 37 and 39 of Part I and Rules 5 and 9 of Part II of Annexure II.)

*Colonial Leave-salary Warrant.*

(*For I.C.S. and Military Officers in Civil employ.*)

(Obverse.)

Warrant No. of 19 .

Mr. having been granted leave for a period of months and days under the orders of the Government of is hereby allowed the privilege of drawing his leave-salary at from

2. His leave-salary will be as shown below and will be payable monthly in sterling converted from rupees at 1*s*. 6*d*. a rupee, but will be subject to the following *maxima and minima* :—

| Period. | | Rate in rupees a month. | Minimum rate of exchange. | Minimum. | Maximum. |
|---|---|---|---|---|---|
| | | | | £ a month. | £ a month. |
| From | to | | | | |
| From | to | | | | |
| From | to | | | | |

3. The payments should be charged to the High Commissioner for India for appropriation by him of the leave-salary under the following heading.

4. The paying officer is requested to take steps to ensure that when the Government servant returns to India, he draws leave-salary in the dominion or colony up to the day before that on which the vessel by which he returns is due to arrive at the Asiatic port of disembarkation.

5. The following deductions are to be made from the salary of each month before payment :—

| | | Rate £ per mensem from |
|---|---|---|
| Indian Military/Civil Service Family Pensions for | wife/self .. .. | |
| Or Indian Military Widows and Orphans | ,, sons .. .. | ,, |
| Fund subscription .. .. .. | ,, daughters .. | ,, |
| | | £ |

A balance of donation $\frac{\text{on}}{\text{for}}$ £ and interest £* is recoverable at £ a month from Indian Civil Service Provident Fund Deductions (if any).

Where the amount of a deduction is expressed in rupees, it shall be converted into sterling at the same rate as the leave-salary from which it is deducted.

Dated at

*Accountant-General.*
*Comptroller.*

The 19 .

(Reverse).

| Name, rank and description of payee. | Period for which payment is made. | Monthly rate. | Amount | Signature of paying officer. | Receipt of payee. |
|---|---|---|---|---|---|
| | | £. *s.* *d.* | £. *s.* *d.* | | |

One copy of this warrant will be retained by and will be given up to the Audit Officer in India on his return to India. Each payment will be recorded on the reverse of the copies kept by the Colonial Disbursing Officer and by and will be certified by the paying officer and receipted by

*Note.*—(1) Leave salary is payable in rupees to Government servants residing in Ceylon during their leave. (Fundamental Rule 91.)

(2) The signature of the Government servant concerned should be obtained on the "original" copy of the warrant.

(3) The rate of conversion will be 1*s.* 6*d.* a rupee. The maximum rates of leave-salary are those prescribed in Fundamental Rule 89 and the minimum rates those prescribed in Fundamental Rule 90.

(4) In the case of Government servants to whom the rules regarding the grant of passages to Civilian Personnel of British Domicile engaged for service in India apply, an additional entry should be made showing whether they and their families were given the benefit of Rule VII and whether they were allowed a similar benefit under either Rule VII or Rule VIII on returning to India.

(5) The paying officer, except in the case of a dominion or colony which accounts direct to India, is requested to advise the High Commissioner for India, India House, Aldwych, London W.C. 2, promptly on the officer's departure from such dominion or colony whether for India, England or any other dominion or colony, giving particulars of amounts of pay issued and of any deductions therefrom.

(6) The particulars of all outstanding advances (including passage advances) should be noted under item 4. In the case of motor car and similar advances, the date from which the recovery of monthly instalments should be effected should be stated.

## FORM No. I-A UNDER THE SUPPLEMENTARY RULES.

(*See* Rules 37 and 39 of Part I and Rule 5 of Part II of Annexure II.)

*Colonial Leave-salary Warrant.*

(*For uncovenanted services.*)

(Obverse.)

Warrant No. of 19 .

Mr. having been granted leave for a period of months and days under the orders of the Government of is hereby allowed the privilege of drawing his leave-salary at from

2. His leave-salary will be as shown below and will be payable monthly in sterling converted from rupees at 1*s.* 6*d.* a rupee, but will be subject to the following *maxima and minima* :—

| Period. | | Rate in rupees a month. | Minimum rate of exchange. | Maximum. | Minimum. |
|---|---|---|---|---|---|
| | | | | £ month. | £ a month |
| From | to | | | | |
| From | to | | | | |
| From | to | | | | |

3. The payments should be charged to the High Commissioner for India for appropriation by him of the leave-salary under the following heading.

* In the case of subscribers to the Indian Civil Service Family Pensions, interest accrued in India to be given here.

4. The paying officer is requested to take steps to ensure that when the Government servant returns to India he draws leave-salary in the dominion or colony up to the day before that on which the vessel by which he returns is due to arrive at the Asiatic port of disembarkation.

5. The following deductions are to be made from the leave-salary of each month before payment :—

Superior Services (India) Family Pension Fund—

| | Rates. |
|---|---|
| Wife | per month from |
| Sons | Do. |
| Daughters | Do. |
| Arrears, if any | |
| Interest | |

Where the amount of a deduction is expressed in rupees, it shall be converted into sterling at the same rate as the leave-salary from which it is deducted.

Dated at

*Accountant-General.*
*Comptroller.*

The 19 .

(Reverse.)

| Name, rank and description of payee. | Period for which payment is made. | Monthly rate. | Amount. | Signature of paying officer. | Receipt of payee. |
|---|---|---|---|---|---|
| | | £.*s. d.* | £.*s. d.* | | |

One copy of this warrant will be retained by and will be given up to the Audit Officer in India on his return to India. Each payment will be recorded on the reverse of the copies kept by the Colonial Disbursing Officer and by and will be certified by the paying officer and receipted by

*Note.*—(1) Leave-salary is payable in rupees to Government servants residing in Ceylon during their leave· (Fundamental Rule 91.)

(2) The signature of the Government servant concerned should be obtained on the "original" copy of the warrant.

(3) The rate of conversion will be 1*s*. 6*d*. a rupee. The maximum rates of leave-salary are those prescribed in Fundamental Rule 89, or in rule 28 of the Mâdras Leave Rules, 1933, and the minimum rates those prescribed in Fundamental Rule 90.

(4) In the case of Government servants to whom the rules regarding the grant of passages to Civilian Personnel of British Domicile engaged for service in India apply, an additional entry should be made showing whether they and their families were given the benefit of Rule VII, and whether they were allowed a similar benefit under either Rule VII or Rule VIII, on returning to India.

(5) The paying officer, except in the case of a dominion or colony which accounts direct to India, is requested to advise the High Commissioner for India, India House, Aldwych, London W.C. 2, promptly on the officer's departure from such dominion or colony, whether for India, England or any other dominion or colony giving particulars of amount of pay issued and of any deductions therefrom.

(6) The particulars of all outstanding advances (including passage advances) should be noted under item 4. In the case of motor car and similar advances, the date from which the recovery of monthly instalments should be effected should be stated.

## FORM No. II UNDER THE SUPPLEMENTARY RULES.

(*See* Rule 41 of Part I and Rules 16, 20 and 21 of Part II of Annexure II.)

*Certificate of leave.*

Granted to proceeding out of India.

1 Government under which employed ..
2 Post last held .. .. ..
3 Nature of leave granted .. ..
4 Date of commencement of leave ..
5 Date of expiry of leave .. ..

6 Whether a medical certificate of fitness must be produced before return to duty.

7 Amount of leave, expressed in term of leave on average pay, at the Government servants' credit on the expiry of the present leave.

8 Period of leave on average pay which might, under Fundamental Rule 81, be granted if the present leave were extended.

(Further particulars required in the case of military officers in civil employ.)

9 Date of entry under Civil leave rules ..

10 Amount of leave at credit at commencement of present leave—

Earned in respect of service under Military rules.

Earned in respect of service under Civil rules.

(Signature)

The 19 . (Designation)

*Note.*—(1) No leave-salary is payable on this certificate.

(2) This certificate must be produced before the High Commissioner with any application for an extension of leave or permission to return to duty or the grant of a last pay certificate.

## ANNEXURE III.

## The Madras Leave Rules, 1933.

### SECTION I—PRELIMINARY AND GENERAL.

**1.** These rules may be called the Madras Leave Rules, 1933.

**2.** They shall apply to the holders of all posts under the rule-making control of the State Government, whether for the time being in foreign service or not,—

(*a*) who, before the 4th September 1933, were neither the holders of posts under such control in a substantive, officiating or temporary capacity nor probationers for such posts; or

(*b*) who, before the said date, were either the holders of such posts in such capacity or probationers for therefor and who elect within six months from the said date to come under these rules;

(*c*) who being employees of the erstwhile States merged in the State of Madras, elect to come under these rules:

Provided that nothing contained in these rules shall apply to members of any establishment—

(i) who would not have been eligible for leave under the Fundamental Rules or the Civil Service Regulations had they continued in force in respect of the matters dealt with in these rules, or

(ii) the grant of leave to whom is governed by rules made in exercise of the powers conferred by Fundamental Rule 2.

*Explanation.*—(1) These rules shall apply in their entirety to every person who elects under clause (*b*) to come under these rules.

(2) Such election, when once made, shall be final.

*Exception.*—Persons who entered service as Local Fund Assistant Engineers before the 4th September 1933, and were eligible for leave under the Fundamental Rules will continue to be eligible for leave under those rules when they are subsequently appointed as District Board Engineers. Persons who entered service as Local Fund Assistant Engineers on or after the 4th September 1933, and were eligible for leave under the Fundamental Rules shall, on appointment as District Board Engineers, be eligible for leave under the Madras Leave Rules, 1933, but they shall retain in their leave account any leave at their credit on the date of their appointment as District Board Engineer.

## RULINGS.

(1) *Scope of Rule* 2.—Government servants, who, before the 4th September 1933, were holders of posts in a substantive, officiating or temporary capacity or were probationers for such posts, are eligible for leave under the Fundamental Rules unless they have elected the Madras Leave Rules, 1933, irrespective of any break in their service before or after 4th September 1933.

(Finance Memo. No. 21987-1-C.S.R., dated 15th July 1934.)

*Note.*—If the break in the service of such a Government servant was, however, due to his resignation from public service, he will, on re-employment to Government service, be eligible for leave only under the Madras Leave Rules, 1933.

[Finance Memo. No. 38089-C.S.R.-3, dated 11th June 1953.]

(2) The protection to the leave rules in the Fundamental Rules conferred by Rule 2 of the Madras Leave Rules is applicable only to persons who had commenced to earn leave under the Fundamental Rules before 4*th September* 1933.

(U.O. No. 14647-2, Finance, dated 3rd May 1940.)

(3) Clause (ii) of the proviso is intended to meet the case of salaried industrial employees of the Government Press—vide G.O. No. 156, Finance, dated the 21st February 1930, and other cases, if any, in which leave concessions otherwise than in accordance with the ordinary rules in the Fundamental Rules have been granted specifically under Fundamental Rule 2 or which have to be treated as having been sanctioned in virtue of the powers conferred by that rule.

(Finance Memo. No. 35832-A-5-C.S.R., dated 22nd January 1934.)

(4) The employees of the erstwhile States merged with the Madras State shall continue to be governed by the State Leave Rules till they are absorbed in Government service. On absorption in Government service, they shall be allowed the option either to continue under the State Leave Rules (vide Annexure) or to elect the Madras Leave Rules, 1933. Such option shall be exercised within a period of six months from the date of absorption in Government service and once exercised shall be final. Those who elect to come under the Madras Leave Rules shall be subject to those rules from the date of absorption in Government service.

The leave account of every person who elects to come under the Madras Leave Rules shall—

(i) in regard to earned leave, be credited with the amount of privilege leave or leave on average pay to his credit on the date on which he so elects, subject to the maxima prescribed in rule 8, 17 or 20 of the Madras Leave Rules as the case may be, and

(ii) in regard to unearned leave, be debited with the amount of furlough or similar kinds of leave on half average pay whether with or without medical certificate already taken by him before the said date, either as leave on private affairs or as leave on medical certificate as the case may require. In such cases, if the leave taken under the State Leave Rules exceeds the limits prescribed in the Madras Leave Rules for leave on private affairs and leave on medical certificate, no further unearned leave shall be granted to the employees concerned, but the leave already granted shall not be affected.

(G.O. No. 217, Finance, dated 25th February 1950.)

(5) Municipal Engineers who were governed by the leave rules under the Fundamental Rules or the Madras Leave Rules, 1933, as the case may be, prior to 1st January 1952 and who have been absorbed in the Madras

Municipal Engineering Service or the Madras Municipal Engineering Subordinate Service as regular Engineers without any break in service will retain the benefits of leave under the Fundamental Rules or the Madras Leave Rules, 1933, as the case may be, and count for leave in Government service their previous service under the old Madras Municipal Engineering Service subject to the condition that the leave earned by the Engineers prior to the constitution of the Central Fund under the old service should be the liability of the municipal council concerned.

[Finance Memo. No. 1212 (A)/C.S.R.-2, dated 6th February 1956.]

**3.** These rules shall come into force on the 4th September 1933.

**4.** In these rules unless there is anything repugnant in the subject or context—

(*a*) "duty" does not include any period of absence on any leave admissible under these rules or under the Fundamental Rules read with Rule 5 of these rules but includes—

(i) any period of absence on casual leave during a continuous period spent on duty;

(ii) any period of absence on gazetted holidays or other days declared to be holidays by a competent authority, during a continuous period spent on duty;

(iii) any period of absence on gazetted holidays when permitted to be prefixed or affixed to leave;

(iv) any period of absence during vacation either during a continuous period spent on duty or when permitted to be prefixed or affixed to leave;

(v) any period spent on foreign service, if contribution towards leave-salary is paid on account of such period;

(vi) joining time; and

(vii) all periods declared to be duty under Fundamental Rule 9 (6) (*b*) and the subsidiary rules made thereunder;

(*b*) (i) "Government servant" means any person to whom these rules apply;

(ii) "permanent Government servant" means a Government servant who holds substantively a permanent post in superior or last grade service or who holds a lien on such a post or would hold such a lien had it not been suspended;

(iii) "non-permanent Government servant" means a Government servant who is not a permanent Government servant;

(*c*) "State Government" means the Government of Madras; and

(*d*) (i) "pay" means the greater of the amounts specified below:—

(*a*) the substantive pay (excluding special pay but including overseas pay, technical pay, personal pay and any other emoluments classed as pay) on the date before the leave commences, or

(*b*) the average monthly pay (excluding special pay but including overseas pay, technical pay, personal pay and any other emoluments classed as pay) earned during the twelve complete months preceding the month in which the leave commences;

(ii) "half pay" means half the substantive pay (excluding special pay but including overseas pay, technical pay, personal pay and any other emoluments classed as pay) on the day before the leave commences or half the amount specified in clause (*b*) above whichever is greater.

NOTE.—(1) For the purpose of sub-clauses (i) and (ii) of this clause, wireless/telegraphy special pay drawn by Government servants of the Police Radio Branch, Malabar Special Police, Special Armed Police, Urban Radio Networks (Police) at Madurai, Tiruchirappalli and Coimbatore, City Police Radio Network and technical staff (supervisors and electricians) attached to the various (Police) Radio Networks of the State will be treated as pay.

(2) For the purpose of sub-clauses (i) and (ii) of this clause, special pay drawn by the personnel of the Police Department working in the Finger-Print Bureau, Vellore, will be treated as pay.

(3) For the purpose of sub-clauses (i) and (ii) of this clause, shorthand or typewriting special pay will be treated as pay.

## RULINGS.

(1) The deputation allowance drawn by a Government servant during the period of foreign service shall be classified as special pay.

(G.O. No. 36, Finance, dated 10th January 1951.)

(2) Stipend payable to the Forest Apprentices shall be treated as "pay" for regulating their leave-salary.

(G.O. No. 486, Finance, dated 16th March 1955.)

(3) The term 'substantive pay' in clause (*d*) of this rule includes the pay drawn by a Government servant in a post on which he holds a provisional lien under Fundamental Rule 14 (*d*).

The above ruling will have retrospective effect from 1st April 1955.

(Finance Memo. No. 89212/C.S.R.-4, dated 7th February 1956.)

5. The Fundamental Rules as issued and amended from time to time by the President of the Republic of India and the subsidiary rules as issued and amended from time to time by the State Government shall, in so far as they are not inconsistent with these rules and subject to the provisions of Fundamental Rule 2-A, apply *mutatis mutandis* to all persons to whom these rules apply in respect of matters not dealt with in these rules.

## RULING.

The provisions under Fundamental Rule 100-A shall apply to Government servants governed by the Madras Leave Rules, that is to say, in other words, that the period of deputation exceeding one year will not count for purposes of leave.

(Memorandum No. 46613-D.I/50-5, Development, dated 16th August 1950.)

6. Subject to the restrictions in Rule 14, any kind of leave admissible under these rules may be granted in combination with any other kind of leave so admissible or in continuation of leave already taken whether of the same or of any other kind.

## RULING.

### Treatment of overstayal of leave under the Madras Leave Rules, 1933.

In the case of a Government servant governed by the Madras Leave Rules, 1933, who remains absent after the end of his leave, the period of such overstayal of leave should, unless the leave is extended by the competent authority, be treated as follows:—

(*a*) If the officer is in superior service—

(i) as leave on private affairs to the extent such leave is due, unless the overstayal is supported by a medical certificate;

(ii) as leave on medical certificate to the extent such leave is due, if the overstayal is supported by a medical certificate;

(iii) as extraordinary leave to the extent the period of leave due on private affairs and/or on medical certificate falls short of the period of overstayal.

(*b*) If the officer is in last grade service—as in (*a*) (ii) and (iii) above *mutatis mutandis*.

The Government servant is not entitled to leave-salary during such overstayal of leave not covered by an extension of leave by the competent authority.

(G.O. Ms. No. 128, Finance, dated 17th July 1943, and Finance Memo. No. 21684-C.S.R.-1, dated 30th July 1943.)

7. Leave admissible under these rules shall lapse on the date on which Government servant must compulsorily retire:

Provided that if a Government servant has been denied in whole or in part, on account of the exigencies of the public service, the enjoyment pending retirement of earned leave which would otherwise reasonably have been granted to him, the authority having power to sanction leave may grant that leave to such extent as it may seem fit, even though it extends to a date beyond the date of compulsory retirement:

Provided further that a Government servant, whose service has been extended in the public interest beyond the date of compulsory retirement, may be granted any leave earned in respect of such extension in addition to the earned leave to his credit on the date of such extension, either within the period of extension or, if the conditions of the preceding proviso are satisfied, after its expiry. The total earned leave to his credit at any time shall however be subject to the limit up to which earned leave can be accumulated by him.

## SECTION II—GRANT OF LEAVE.

### A.—PERMANENT GOVERNMENT SERVANTS IN SUPERIOR SERVICE.

#### Earned Leave.

**8.** A permanent Government servant in superior service earns leave—

(i) if he is of non-Asiatic domicile and has been recruited overseas, at the rate of one-seventh of the period he has spent on duty, provided that he shall cease to earn leave while he has to his credit such leave amounting to 180 days;

(ii) if he is of non-Asiatic domicile and has not been recruited overseas but entitled to passage concessions, other than passages granted on retirement, at the rate of one-seventh of the period he has spent on duty, provided that he shall cease to earn leave while he has to his credit such leave amounting to 150 days; and

(iii) if he is not included in sub-rules (i) and (ii), at the rate of one-eleventh of the period spent on duty, provided that he shall cease to earn leave while he has to his credit such leave amounting to 120 days.

**9.** (*a*) If a permanent Government servant in superior service is in a vacation department, his earned leave shall, for each year of duty in which he has availed himself of the vacation, be reduced by 45 days or by 30 days according as he earns leave at the rate of one-seventh or one-eleventh of the period spent on duty. If a part only of the vacation has been taken in any year, the period by which the earned leave shall be reduced shall be a fraction of 45 or 30 days, as the case may be, equal to the proportion which the part of the vacation taken bears to the full period of vacation.

(*b*) If a permanent Government servant in superior service is in the X-ray or Radium departments of Government medical institutions or if a permanent Medical Officer is in a Government Tuberculosis institution or Sanatorium, his earned leave shall, for each period of compulsory leave of one month granted to him every year, be reduced by 15 days.

#### RULING.

The compulsory leave referred to in rule (*b*) will be granted only after every eleven months of duty in the X-ray or Radium department of a Government medical institution or in a Government Tuberculosis institution or sanatorium. Broken periods of duty may be taken into account for the purpose of eleven months of duty provided the interruption on account of leave or otherwise do not exceed a period of fifteen days.

(G.O. Ms. No. 277, Finance, dated 17th February 1956.)

**10.** The amount of leave due is the amount of earned leave diminished by (*a*) the amount of earned leave which has been taken and (*b*) one half of the amount of special disability leave taken on full pay under Fundamental Rule 83 (7) (*b*).

**11.** A permanent Government servant in superior service may at any time be granted the whole or any part of the leave due to him.

**12.** Earned leave may be combined with vacation but the combined period of such leave and vacation shall not exceed the limit up to which leave may be accumulated by the officer concerned under rule 8.

#### RULING.

Unearned leave including commuted unearned leave on full pay may be combined with vacation or sandwiched between two periods of vacation.

(G.O. No. 58, Finance, dated 12th January 1953.)

#### Unearned Leave.

(i) *Leave on private affairs.*

**13.** Leave on private affairs may be granted to a permanent Government servant in superior service for six months in all and up to a maximum of three months at any one time.

**14.** Leave on private affairs may be combined with earned leave, but the total amount of leave so combined, admissible at any one time, shall be limited to six months.

(ii) *Leave on medical certificate.*

15. (a) Leave on medical certificate may be granted to a permanent Government servant in superior service for one year in all. Such leave shall be given only on production of a certificate from such medical authority as the State Government may by general or special order prescribe and for a period not exceeding the amount of leave recommended in the certificate.

(b) When the period of one year prescribed in sub-rule (a) has been exhausted, further leave on medical certificate for a period not exceeding six months in all may be granted in exceptional cases on the recommendations of the medical authority referred to in sub-rule (a).

15-A. Unearned leave with allowances may in no cases be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen, the Government servant will return to duty, provided that leave on private affairs may be granted preparatory to retirement.

RULINGS.

(1) Government servants of this State may be granted "leave not due" under the Fundamental Rules and unearned leave on medical certificate under the Madras Leave Rules for the treatment of tuberculosis, subject to the following conditions:—

(i) This concession will be limited only to permanent Government servants and approved probationers in the various services.

(ii) A medical certificate, from the Government servant's authorized medical attendant or the Medical Officer in charge of a recognized sanatorium in the case of those undergoing treatment in a recognized sanatorium, should be produced. The prospect of returning to duty on the expiry of the leave should be assessed on the basis of the certificate given by the appropriate medical authority.

(iii) In the case of leave not due granted under the Fundamental Rules, the Government servant concerned should have enough service after his return to duty within which he would be able to wipe off the debit balance before reaching the age of superannuation.

[Finance Memo. No. 85539, C.S.R.-2, dated 28th November 1953.]

(2) The instructions in ruling (1) will be extended to the case of Government servants suffering from leprosy and undergoing treatment either under a recognized medical attendant or in a leprosy institution.

[Finance Memo. No. 32405, C.S.R.-2, dated 28th April 1954.]

15-B. A permanent Government servant in superior service may commute the maximum of one year's leave on medical certificate into six months' leave on full pay, provided that such commuted leave shall not be granted for more than two months at any one time.

(iii) *Extraordinary leave.*

16. Extraordinary leave may be granted to a permanent Government servant in superior service in special circumstances—

(i) when no other leave is admissible under these rules, or

(ii) when other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave.

## B.—PERMANENT GOVERNMENT SERVANTS IN LAST GRADE SERVICE.

EARNED LEAVE.

17. (1) A permanent Government servant in last grade service earns leave at the rate of one-twenty-second of the period he has spent on duty provided that he shall cease to earn leave while he has to his credit such leave amounting to 50 days.

If the Government servant is in a vacation department, his earned leave shall be reduced by 15 days for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period by which the earned leave shall be reduced shall be a fraction of 15 days equal to the proportion which the part of the vacation taken bears to the full period of the vacation.

(2) The amount of leave due is the amount of earned leave diminished by (*a*) the amount of earned leave which has been taken and (*b*) one-half of the special disability leave taken on full pay under Fundamental Rule 83 (7) (*b*).

(3) A permanent Government servant in last grade service may at any time be granted the whole or any part of the leave due to him.

(4) Earned leave may be combined with vacation but the combined period of such leave and vacation shall not exceed 50 days.

### RULING.

Unearned leave including commuted unearned leave on full pay may be combined with vacation or sandwiched between two periods of vacation.

(G.O. No. 58, Finance, dated 12th January 1953.)

### UNEARNED LEAVE.

**18.** A permanent Government servant in last grade service may be granted leave on medical certificate for six months in all.

**18-A.** Unearned leave with allowances may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen, the Government servant will return to duty.

### RULINGS.

(1) Government servants of this State may be granted " leave not due " under the Fundamental Rules and unearned leave on medical certificate under the Madras Leave Rules for the treatment of tuberculosis, subject to the following conditions:—

(i) This concession will be limited only to permanent Government servants and approved probationers in the various services.

(ii) A medical certificate, from the Government servant's authorized medical attendant or the Medical Officer in charge of a recognized sanatorium in the case of those undergoing treatment in a recognized sanatorium, should be produced. The prospect of returning to duty on the expiry of the leave should be assessed on the basis of the certificate given by the appropriate medical authority.

(iii) In the case of leave not due granted under the Fundamental Rules, the Government servant concerned should have enough service after his return to duty within which he would be able to wipe off the debit balance before reaching the age of superannuation.

(Finance Memo. No. 85539-C.S.R.-2, dated 28th November 1953).

(2) The instructions in ruling 1 will be extended to the case of Government servants suffering from leprosy and undergoing treatment either under a recognized medical attendant or in a leprosy institution.

[Finance Memo. No. 32405-C.S.R.-2, dated 28th April 1954.]

**18-B.** A permanent Government servant in last grade service may commute four months' leave out of the six months' leave on medical certificate into two months' leave on ful pay, provided that such commuted leave shall not be granted for more than one month at any one time.

**19.** Extraordinary leave may be granted to a permanent Government servant in last grade service on the same terms as for a permanent Government servant in superior service.

## C.—NON-PERMANENT GOVERNMENT SERVANTS IN SUPERIOR OR LAST GRADE SERVICE.

**20.** A non-permanent Government servant—

(i) if in superior service, earns leave (*a*) at the rate of one-eleventh of the period spent on duty if he is employed in the X-ray or Radium departments of Government medical institutions or employed as medical officer in a Government Tuberculosis Institution or Sanatorium or in the Tuberculosis Departments of Government Hospitals and (*b*) at the rate of one-twenty-second of the period spent on duty in other cases, provided that, in either case, he shall cease to earn leave while has has to his credit such leave amounting to thirty days; and

(ii) if he is an approved probationer in any of the categories of the Madras Last Grade Service, he shall earn leave as in sub-rule (1) of Rule 17, if he has not completed his probation, he shall earn leave at the rate of one-twenty-second of the period spent on duty subject to a maximum of thirty days.

*Note* 1.—If a non-permanent Government servant in superior service is in a vacation department, his earned leave shall be reduced by fifteen days for each year of duty in which he has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period by which the earned leave shall be reduced shall be a fraction of fifteen days equal to the proportion which the part of the vacation taken bears to the full period of the vacation. Earned leave is not. however, admissible to a last grade Government servant in a vacation department who is not in permanent employ.

*Note* 2.—The Forest Apprentices who are treated as probationers shall be governed by section II-C of the Madras Leave Rules, 1933.

*Note* 3.—Members of the Operation Subordinate Service, appointed to posts in the State cadre on probation or under rule 10 (*a*) (i) of the Madras State and Subordinate Service Rules, may, however, earn leave at the rate of one-eleventh of the period spent on duty *subject* to a maximum of ninety days.

21. The amount of leave due is the amount of earned leave diminished by (*a*) the amount of earned leave which has been taken and (*b*) one-half of the amount of special disability leave taken on full pay under Fundamental Rule 83 (7) (*b*).

22. A non-permanent Government servant in superior service may be granted the whole or any part of the leave due to him.

22-A. Earned leave may be combined with vacation, but the combined period of such leave and vacation shall not exceed 30 days.

## RULING.

Unearned leave including commuted unearned leave on full pay may be combined with vacation or sandwiched between two periods of vacation.

(G.O. No. 58, Finance, dated 12th January 1953).

23. (*a*) A non-permanent Government servant in superior service may also be granted—

(i) if he has served for not less than two years, leave on medical certificate for six months in all and up to a limit of two months at any one time which he may commute into leave on full pay for three months in all and up to a limit of one month at any one time;

(ii) extraordinary leave up to a limit of six or twenty-four months at any one time:

Provided that the leave for the longer period shall be admissible only if the Government servant concerned has been in continuous service for a period exceeding one year and if he is undergoing treatment for tuberculosis or leprosy in a recognized sanatorium, or for want of accommodation in any recognized sanatorium at or near the place of his duty, receives treatment at his residence under a tuberculosis or leprosy specialist, as the case may be, recognized as such by the State Administrative Medical Officer concerned, and produces a certificate signed by that specialist to the effect that he is under treatment of such specialist and that he has reasonable chances of recovery on the expiry of the leave recommended.

(*b*) A non-permanent Government servant in last grade service may be granted extraordinary leave as in clause (ii) of sub-rule (*a*).

(*c*) A non-permanent Government servant in last grade service, who has completed one year's continuous service, may be granted leave on medical certificate for a maximum period calculated at ten days for every completed year of his service less the amount of leave taken under this rule. Such leave on medical certificate may be commuted into leave on full pay for one-half of the period provided that not more than fifteen days shall be granted at any one time. If he is appointed substantively to a permanent post without interruption of his service, any leave so granted shall be reckoned as leave on medical certificate for the purpose of rule 18.

*Note*.—Notwithstanding the provisions of the above rule, all heads of departments are empowered to grant leave as follows to a Government servant of a subordinate service who is on probation and whose probation has been terminated but who has been subsequently reinstated on appeal to cover the period of non-employment:—

(1) earned leave at his credit on the day of termination of probation; and

(2) extraordinary leave to the extent necessary.

## RULINGS.

(1) Method of calculation of leave admissible to Government servants on promotion from 'last grade' to 'superior' service under Madras Leave Rules, 1933:—

A Government servant in last grade service may become eligible for leave in accordance with the rules applicable to permanent Government servants in superior service. In such a case, the earned leave due to the Government servant should be calculated at 1/22 of the period spent on duty in last grade service and at 1/11 of the period spent on duty in superior service, subject to the condition that the maximum is applied in both the cases separately. In other words, the earned leave due to the Government servant in last grade service should first be calculated at 1/22 of duty and the limit of fifty days applied. The balance of earned leave should then be carried over and added to the account of earned leave admissible from the date on which he became eligible for leave at 1/11 of duty as for other Government servants in superior service, the total amount of earned leave being restricted to 120 days.

(Comptroller and Auditor-General's Endorsement No. 311-A/197/37, dated 9th October 1937, and G.O. No. 409, Finance, dated 24th November 1937.)

A non-permanent Government servant, who has held without a break first a superior post and again alternatively last grade and superior posts, should be allowed leave to the same extent as a person promoted from last grade to superior service.

(Finance Memo. No. 67237-C.S.R.-1, dated 24th September 1951).

(2) The condition in Rule 23 (*a*) (i) should be deemed to be satisfied only if the Government servant concerned has served in a post in a regular capacity for a total period of two years. Service under Rule 10 (*a*) (i) of the General Rules, prior to the date of regularization, if any, should be ignored, in reckoning the period of service of two years.

[Finance, Memo. No. 7534-C.S.R. 2, dated 9th February 1954.]

(3) The grant of extraordinary leave to temporary Government servants undergoing treatment for tuberculosis or leprosy in a recognized sanatorium is subject to the following conditions:—

(i) the post from which the Government servant proceeds on leave is likely to last till his return to duty; and

(ii) a certificate from the medical officer in charge of the sanatorium specifying the period for which leave is recommended should be produced.

(G.O. No. 229, Finance, dated 3rd November 1943.)

Extraordinary leave up to twelve months may be granted also to temporary Government servants suffering from tuberculosis of any part of the body on the production of a certificate by a qualified T.B. Specialist or a Civil Surgeon.

(Finance Memo. No. 25174-C.S.R.-1, dated 2nd June 1945.)

(4) A list of medical officers, who can be regarded as Tuberculosis Specialists (both Government medical officers and private medical practitioners) for the purpose of the proviso to Rule (23) (*a*) (ii), is appended at the end.

(5) Unearned leave including commuted unearned leave on full pay may be combined with vacation or sandwiched between two periods of vacation.

(G.O. No. 58, Finance, dated 12th January 1953.)

(6) Government servants of this State may be granted "leave not due" under the Fundamental Rules and unearned leave on medical certificate under the Madras Leave Rules for the treatment of tuberculosis, subject to the following conditions:—

(i) This concession will be limited only to permanent Government servants and approved probationers in the various services.

(ii) A medical certificate, from the Government servant's authorized medical attendant or the medical officer in charge of a recognized sanatorium in the case of those undergoing treatment in a recognized sanatorium, should be produced. The prospect of returning to duty on the expiry of the leave should be assessed on the basis of the certificate given by the appropriate medical authority.

(iii) In the case of leave not due granted under the Fundamental Rules, the Government servant concerned should have enough service after his return to duty within which he would be able to wipe off the debit balance before reaching the age of superannuation.

[Finance Memo. No. 85539-C.S.R.-2, dated 28th November 1953.]

(7) The instructions in ruling (6) will be extended to the case of Government servants suffering from leprosy and undergoing treatment either under a recognized medical attendant or in a leprosy institution.

[Finance Memo. No. 32405-C.S.R.-2, dated 28th April 1954.]

(8) The benefit of unearned leave on medical certificate under Rule 23 (a) (i) of the Madras Leave Rules, 193, may be extended to re-employed pensioners, if they have put in a continuous service of not less than two years on re-employment terms.

[Finance Memo. No. 61718-C.S.R.-2, dated 21st June 1954.]

**24.** If an interruption of duty other than leave occurs in the service of a non-permanent Government servant, the earned leave to his credit shall lapse.

**25.** Notwithstanding anything contained in Rules 20, 23 and 24, a probationer in superior service who has completed or is deemed to have completed his period of probation satisfactorily shall be eligible for such leave as would be admissible to him if he held his post substantively, but, if at any time he ceases to be a Government servant for want of a vacancy and is subsequently reappointed, his leave account shall—

(i) be credited with the amount of earned leave due to him on the day when he last ceased to be a Government servant: and

(ii) be debited with the amount of all unearned leave taken by him prior to such date.

*Note* (1).—The concession specified in Rule 9 (b) will apply to approved probationers in superior service who are employed in X-Ray and Radium departments of Government medical institutions.

*Note* (2).—Non-permanent workers of the Government Press, Madras, who came within the purview of Chapter IV-A of the Factories Act, 1934, and who have completed a period of twelve months continuous service, within the meaning of the Explanation to section 49-B of the said Act, shall be deemed to have completed their probation satisfactorily for purposes of earning leave.

## RULINGS.

### *Scope of Rule* 25.

(1) Government have decided that, though rule 25 enables an approved probationer, who is awaiting substantive appointment to a permanent post, to earn and be granted leave as a permanent Government servant, it does not authorize the re-calculation of his leave account in respect of his previous duty. Such a recalculation should be made only after the Government servant is substantively appointed to a permanent post.

(G.O. No. 380, Finance, dated 21st November 1939.)

(2) The benefit of Rule 25 will also apply to approved probationers in categories in which there are no permanent posts and who consequently have no chance of confirmation.

(Finance Memo. No. 110629/C.S.R.-2, dated 19th January 1956.)

**26.** The grant of leave to a non-permanent Government servant shall be subject to the condition that, but for the grant of the leave, he would have continued to hold a post in Government service until the expiry of the leave.

*Note.*—A re-employed Government servant may be granted on the termination of his appointment the amount of leave earned by him during the period of empolyment but subject to a maximum of 30 days provided that he had formally applied for the leave in sufficient time and been refused it on administrative grounds.

## RULING.

Government servants who are re-employed after retirement for more than one term may be permitted to carry forward the periods of leave earned in the earlier spells of re-employment to subsequent spells irrespective of the number of such extension, subject to the provisions of Madras Leave Rule 26 and of the note thereunder, provided that the re-employment is continuous.

[Finance Memo. No. 75698-C.S.R.-1, dated 13th August 1954.]

**27.** If a non-permanent Government servant is substantively appointed to a permanent post, his leave account shall—

(i) be credited with the amount of earned leave which would have been admissible to him if he had been a permanent Government servant in respect of his previous duty, diminished by (a) the amount of earned leave, which has been taken, and (b) one-half of special disability leave taken on full pay under Fundamental Rule 83 (7) (b); and

(ii) be debited with the amount of all unearned leave taken by him prior to the date of his substantive appointment.

*Explanation.*—" Previous duty " in this rule means—

(*a*) duty before the date on which probation is completed or is deemed to have been completed satisfactorily, uninterrupted otherwise than by leave; and

(*b*) duty on and after the said date.

## RULINGS.

(1) The authority which granted leave to a Government servant can commute it retrospectively into leave of a different kind which may be admissible but the Government servant cannot claim it as a matter of right.

(G.O. No. 400, Finance, dated 5th September 1936.)

(2) Extraordinary leave granted during probation, where there was no earned leave at credit, cannot, however, be commuted retrospectively into earned leave. The additional credit in the leave account arising on confirmation due to the re-casting of the leave account under Rule 27 can be utilized only for leave taken subsequent to such confirmation.

(Finance Memo. No. 10877-1-C.S.R., dated 11th April 1940.)

(3) It is not permissible to commute extraordinary leave granted to a probationer into earned leave when the latter becomes available consequent upon the recalculation of his leave account with reference to Rule 27. The intention of the rule is to provide only for a retrospective calculation of the leave at credit on the date of confirmation with a reduction on account of the earned leave already taken. Except for the carry forward of the recalculated credit on confirmation, leave earned and taken should be a closed chapter at that point and no readjustment of any leave taken is automatically permissible as a consequence of such recalculation. The closed chapter may, however, properly be re-opened, for instance, to correct a mis-calculation of leave earned or taken, or to readjust leave earned and taken when confirmation is ordered with retrospective effect, or, at the discretion of the sanctioning authority, to convert leave of any one kind already taken into leave due of any other kind admissible *at the time leave was originally taken*. Except in the above cases, the commutation of extraordinary leave taken during temporary service when no other leave was due into earned leave on confirmation will be irregular and not in accordance with the rules.

(G.O. No. 51, Finance, dated 24th February 1942.)

(4) A question was raised whether a Government servant confirmed with retrospective effect could be allowed to commute the extraordinary leave taken during the period of retrospective confirmation, into earned leave to which he was entitled as a result of the recalculation of the leave account with reference to Rule 27. The intention is that all persons should from the date of their confirmation, whether ordered with retrospective effect or not, get the leave benefits admissible to permanent Government servants. Commutation of extraordinary leave into earned leave will be permissible if such leave taken falls *subsequent* to the date of confirmation. No readjustment or commutation of leave taken prior to the date of confirmation will, however, be permissible.

(G.O. Ms. No. 335, Finance, dated 20th March 1950.)

(5) When a Government servant is declared to have satisfactorily completed his probation with retrospective effect, his leave account should be recast with effect from the date of completion of probation, but the leave already availed of between that date and the date of issue of orders regarding completion of probation (or the date of return from leave, if he was on leave on the latter date) should not be altered in any manner and any additional leave that becomes due as a result of the recasting of the leave account should be availed of only after the latter date.

[Finance Memo. No. 87625-C.S.R.-2, dated 12th December 1952.]

## SECTION III—LEAVE-SALARY.

28. A Government servant in superior service—

(*a*) while on earned leave, is entitled to leave-salary equal to his pay, provided that the leave-salary shall, except during the first 120 days, be subject to a maximum of Rs. 1,500 per mensem;

while on unearned leave on medical certificate commuted into leave on full pay, is entitled to leave-salary equal to twice the pay prescribed in Rule 4 (*d*) (ii), provided that the leave-salary shall be subject to a maximum of Rs. 1,500 per mensem;

(*b*) while on leave on private affairs or on leave on medical certificate is entitled to leave-salary equal to half pay subject to a maximum of Rs. 750 per mensem;

(*c*) while on extraordinary leave, is not entitled to any leave-salary.

*Note* 1.—In the case of a re-employed Government servant, who was governed by either the ordinary leave rules in the Fundamental Rules, or by the leave rules in the Civil Service Regulations, prior to his re-employment, leave-salary equal to full pay or average pay, is admissible only up to a maximum period of four months at a time. During leave in excess of this period, he will draw leave-salary equal to one-half of full pay or average pay. In the case of a re-employed Government servant who was governed by the special leave rules prior to his re-employment, leave-salary equal to full pay, or average pay is admissible for the entire period of six months.

*Note* 2.—Medical Officers and Physicians in the Radiology Department shall draw during the period of their compulsory earned leave, their X-ray special pay for a period not exceeding one month every year.

*Note* 3.—A Government servant governed by these rules who is granted study leave shall not be eligible for the benefit of the minimum leave-salary prescribed in Rule 90 of the Fundamental Rules. He will draw during such leave half-pay, subject to the limits prescribed in clause (*b*) of this rule.

### RULING.

The leave-salary of a non-permanent Government servant in superior service, who has completed the period of probation, should be regulated under Rule 4 (*d*) (i) (*b*), though under Rule 25 he is allowed a concession to earn leave as admissible to a permanent Government servant.

(Finance Memo. No. 79699-C.S.R-7, dated 1st April 1955.)

29. (*a*) A Government servant in last grade service on earned leave is entitled to leave-salary equal to his pay.

A Government servant in last grade service on unearned leave on medical certificate commuted into leave on full pay is entitled to leave-salary equal to twice the pay prescribed in Rule 4 (*d*) (ii).

(*b*) A Government servant in last grade service on leave on medical certificate is entitled to leave-salary equal to half pay.

Where, however, such leave is taken by a permanent Government servant for leprosy of tuberculosis treatment, leave-salary equal to his pay may be allowed for six months in all, subject to the production of a certificate from the medical officer in charge of a recognized leprosy or tuberculosis treatment centre of his having undergone regular treatment during the period of such leave; if, however, medical leave is combined with earned leave, the total period during which leave-salary equal to pay may be drawn should not exceed six months.

A permanent Government servant in last grade service suffering from tuberculosis, who is on the waiting list for admission to a recognized tuberculosis treatment centre, shall be eligible for leave-salary under the foregoing paragraph on the production of certificate from the official medical attendant or the Superintendent of the Government Headquarters Hospital in which he is kept, stating that he would have been treated as an in-patient in such centre if accommodation had been available therein.

(*c*) A Government servant in last grade service on extraordinary leave is not entitled to any leave-salary.

### RULINGS.

(1) Grant of leave on average pay for six months to *permanent* last grade Government servants suffering from tuberculosis—

This rule permits only the drawal of average pay for six months during earned leave or medical leave granted for the treatment of tuberculosis. It is not in addition to other kinds of leave with pay admissible under the rules.

(G.O. No. 2093, Public Health, dated 9th August 1945, and G.O. Ms. No. 859, Public Health, dated 23rd March 1946.)

(2) In the case of last grade Government servants also, unearned leave on medical certificate can be combined with vacation but the concession of drawing full leave-salary will be limited to the maximum period of six months mentioned in Madras Leave Rule 29 (*b*).

[Finance Memo. No. 66323-C.S.R.-2, dated 9th July 1954.]

## SECTION IV—TRANSITIONAL.

**80.** The leave account of every person who elects under clause (*b*) of Rule 2 to come under these rules shall—

(i) in regard to earned leave, be credited with the amount of privilege leave or leave on average pay to his credit on the date on which he so elects, subject to the maxima prescribed in Rule 8, 17 or 20, as the case may be ; and

(ii) in regard to unearned loave, be debited with the amount of leave on half average pay whether with or without medical certificate and leave not due, already taken by him before the said date, either as leave on private affairs or as leave on medical certificate, as the case may require.

## FORM OF LEAVE ACCOUNT.

**(Madras Leave Rules, 1933.)**

**Leave account of Mr.** **Date of compulsory retirement.**

### PART I.—EARNED LEAVE.

Date of commencement of service.
Date of contract, if any.
Place of recruitment (whether overseas or otherwise).
Domicile (if recruited overseas).

| Duty. | | | Leave earned—1/7 or 1/11 or 1/22 of column (3). | Leave at credit—Columns (4) + (8). | Leave taken. | | Balance on return from leave—Columns (5)—(7). | Remarks. |
|---|---|---|---|---|---|---|---|---|
| | Dates. | | | | Period. | | | |
| Government served under. | From To | Period in days. | Days. | Days. | Dates. From To | Days. | Days. | |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |

*Instructions.*

(1) Columns (1) to (5) should be filled in at the time a Government servant applies for and proceeds on leave and columns (6) to (8) on return from leave.

(2) The periods of duty in terms of days column (3) and of leave taken column (7) should be worked out with reference to the actual number of days in each month and not on the basis of 30 days a month.

(3) *Column* (4)—*Leave earned.*—The fraction of column (3) to be credited in this column is as below :—

(*a*) One-seventh in the case of permanent Government servants in superior service of non-Asiatic domicile recruited overseas [rule 8 (i)].

(*b*) One-eleventh in the case of other permanent Government servants in superior service [rule 8 (iii)].

(*c*) One twenty-second in the case of Government servants in last grade service and non-permanent Government servants in superior service [rules 17 (1) and 20].

In the case of Vacation Departments and X-Ray and Radium Departments of Government Medical Institutions, the credit should be reduced as indicated in rules 9 and 17(i).

(4) *Column* (5)—*Leave at credit.*—The entry in this column on any date [columns (4) + (8)] should be limited to—

(i) One hundred and eighty days in the case of Government servants coming under clause (*a*) above.

(ii) One hundred and twenty days in the case of Government servants coming under clause (*b*)

(iii) Fifty days in the case of permanent Government servants in the Madras Last Grade Service and thirty days in the case of non-permanent Government servants both in superior and last grade services coming under clause (*c*).

(5) In the case of Government servants in service from a date prior to 4th September 1933, who elect the Madras Leave Rules, 1933, the first entry of leave on average pay carried over under rule 80 on the date of election of those rules should be made in column (5) with the words written across columns (1) to (4). " Due on (date of coming under the new rules)."

**(6) In making entries in column (4), fractions of half and over should be rounded as one day and fractions less than half omitted.**

## PART II—UNEARNED LEAVE.

| Leave on private affairs. | | | | Leave on medical certificate | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Leave taken. | | | | Leave taken. | | | | | |
| Dates. | | | | Dates. | | | | | |
| From | To | Period. | Progressive total. | From | to | Period. | On full pay (expressed in terms of half-pay). | Progressive total. | Remarks. |
| (1) | | (2) | (3) | (4) | | (5) | (6) | (7) | (8) |
| | | Y.M.D. | Y.M.D. | | | Y.M.D. | Y.M.D. | Y.M.D. | |

*Instructions.*

The balance of leave on private affairs and leave on medical certificate available on any date should be arrived at by deducting the progressive total in columns (3) and (7), respectively, from the maximum prescribed in each case in rules 13, 15, 18 and 23. The balance of on medical certificate that could be commuted into leave on full pay will be arrived at by deducting the total in column (6), from the maxima prescribed in rules 15-B, 18-B and 23.

## APPENDIX.

### LIST OF TUBERCULOSIS SPECIALISTS.

| Year of passing. | Name. | Address. |
|---|---|---|
| | *Names of Medical Officers who have taken the T.D.D. with the addresses as available.* | |
| | Madras Government T.D.D. | |
| 1940 | Dr. V. K. Ramachandran, M.B., B.S., T.D.D. | North Fourth Street, Pudukkottai. |
| 1941 | Dr. M. Balakrishnan, M.B., B.S., T.D.D. | Honorary Assistant Medical Officer, Headquarters Hospital, Coimbatore. |
| | Dr. N. Jagannathan, M.B., B.S., T.D.D. | Honorary Surgeon, Headquarters Hospital, Coimbatore. |
| | Dr. N. C. Subramaniam, M.B., B.S., T.D.D. | Honorary Assistant Medical Officer, Headquarters Hospital, Coimbatore. |
| | Dr. B. S. Viswanathan, L.M.S., T.D.D. | Medical Superintendent, Tuberculosis Sanatorium, Perundurai. |
| | Dr. A. Bhavanarayana Rao, M.B., B.S., T.D.D. | Medical Officer-in-charge, Tuberculosis Department, King George Hospital, Visakhapatnam. |
| 1942 | Dr. Miss. Elizabeth .. .. .. | C/o Union Mission Tuberculosis Sanatorium, Arogyavaram. |
| | Dr. M. C. Verghese .. .. | C/o Union Mission Tuberculosis Sanatorium, Arogyavaram. |
| | Dr. D. Damodar Das, M.B., B.S., T.D.D. | Private Medical Practitioner, 436, Mint Street, Madras. |
| 1943 | Dr. S. Jothiraj .. .. .. | Union Mission Sanatorium, Arogyavaram. |
| | Dr. M. Krishnan, L.M.P., T.D.D. .. | Honorary Assistant Medical Officer, Headquarters Hospital, Kozhikode. |
| | Dr. K. V. Vaidilingam, M.B., B.S., T.D.D. | Medical Officer, Corporation Tuberculosis Hospital, Konnur High Road, Madras. |
| | Dr. K. Narayanamurthy .. .. | Purushottam, Dhanavarpet, Rajahmundry. |
| 1944 | Dr. K. T. Jesudian .. .. | .... |
| | Dr. K. Subba Rao, M.B., B.S., T.D.D. | .... |
| | Dr. R. Subramaniam, D.M.S., T.D.D. | Medical Officer, Rajaji Tuberculosis Sanatorium, Tiruchirappalli. |

*Names of Medical Officers who have taken the T.D.D. with the addresses as available*—cont.

Madras Government T.D.D.—*cont.*

| Year of passing. | Name. | Address. |
|---|---|---|
| 1945 | Dr. P. K. Koshy, M.B., B.S., T.D.D. | Medical Superintendent, Visranti-puram Tuberculosis Sanatorium, Rajahmundry. |
| | Dr. B. Pulliah, M.B., B.S., T.D.D. .. | Tenali. |
| | Dr. M. Govindan Nair, L.M.P., T.D.D. | .... |
| | Dr. P. Appukuttan Nair, D.M.S., T.D.D. | Honorary Assistant Medical Officer, Headquarters Hospital, Tanjore. |
| | Dr. P. K. Narayanan, M.B., B.S., T.D.D. | .... |
| | Dr. K. A. Arumugham, M.B., B.S., T.D.D. | Assistant Medical Superintendent, Tuberculosis Sanatorium, Perun-durai. |
| | Dr. V. Sambasivan, M.B., B.S., T.D.D. | Assistant Medical Officer, Headquarters Hospital, Salem. |
| 1946 | Dr. P. P. James .. .. .. | Madanapalle. |
| | Dr. K. Govinda Menon, L.M.P., T.D.D. | Medical Officer, Quilandy, North Malabar. |
| | Dr. V. Balasubramaniam, B.A., L.M.P., T.D.D. | Tuberculosis Sanatorium, Perundurai. |
| | Dr. S. V. Subramaniam, M.B., B.S., T.D.D. | Honorary Surgeon, Headquarters Hospital, Coimbatore. |
| | Dr. A. S. Chary, D.M.P, T.D.D. .. | Private Practitioner, Bellary. |
| | Dr. S. T. Rajamanickam, D.M.S., T.D.D. | Honorary Assistant Medical Officer, Government Headquarters Hospital, Tanjore. |

Madras University.

| | | |
|---|---|---|
| 1947 | Dr. B. A. Ranga Rao, T.D.D. .. | .... |
| | Dr. T. Anjaneyulu, T.D.D. .. .. | Government Tuberculosis Sanatorium, Tambaram. |
| | Dr. P. S. Viswanathan, T.D.D. .. | .... |
| | Dr. K. S. N Rao, T.D.D. .. .. | .... |
| | Dr. T. M. Krishnamurthy, T.D.D. .. | .... |

T.D.D. (Wales).

| | | |
|---|---|---|
| | Dr. K. Vasudeva Rao .. .. | Deputy Surgeon-General. |
| | Dr. P. Arunachalam .. .. | Superintendent, Government Stanley Hospital, Madras. |
| | Dr. R. Viswanathan .. .. | Special Officer, Government of India. |
| | Dr. P. V. Benjamin .. .. | Superintendent, Union Mission Sana-torium, Arogyavaram. |
| | Dr. M. Umesha Rao, L.M. & S. .. | Private Practitioner, Mangalore. |

*Doctors who have no special qualification but are doing Tuberculosis work after training.*

| | | |
|---|---|---|
| | Dr. J. Frimodt-Moller .. .. | Acting Superintendent, Union Mission Tuberculosis Sanatorium, Arogya-varam. |
| | Dr. K. S. Sanjeevi .. .. .. | Superintendent, Government Tuber-culosis Hospital, Madras. |
| | Dr. M. Santhosham .. .. | Lung Clinic, Egmore, Madras. |
| | Dr. T. A. Sundaram .. .. | .... |
| | Dr. K. Venkatesan .. .. | Harris Road, Komaleeswaranpet. |
| | Dr. S. Krishnaswami .. .. | Resident Medical Officer, Government Tuberculosis Hospital, Madras. |

(Letter P. No. 6-E-2, dated the 20th January 1949 from the Director of Medical Services.)

## RULINGS (GENERAL).

### Application of the Fundamental Rules and the Subsidiary Rules thereunder to personnel coming under the Madras Leave Rules, 1933.

I. The instructions issued by the Government of Madras in regard to the application of the Fundamental Rules and the Subsidiary Rules thereunder to persons coming under the Madras Leave Rules, 1933, are reproduced below :—

The leave rules in the Fundamental Rules and the Subsidiary Rules thereunder fall under the following three categories :—

(i) general rules relating to leave on average pay, half average pay and quarter average pay and extraordinary leave ;

(ii) rules permitting certain additional kinds of leave in special circumstances, e.g., Special Disability Leave (Fundamental Rules 83, 83-A and 83-B), Study Leave (Fundamental Rule 84), Maternity Leave [Subsidiary Rules under Fundamental Rule 101 (*a*)] and Hospital Leave [Subsidiary Rules under Fundamental Rule 101 (*b*)] ; and

(iii) special rules relating to the grant of leave to persons belonging to a special department or rendering a special kind of service, e.g., leave earned by part-time service [Subsidiary Rules under Fundamental Rule 103 (c)] and leave to military officers in temporary civil employ (Fundamental Rule 100).

The rules in category (i) correspond to the Madras Leave Rules, 1933, and they are therefore wholly superseded by these rules. The rules in category (ii) as well as the leave procedure rules contained partly in the Fundamental Rules and partly in the Subsidiary Rules issued and amended by State Government from time to time and rules relating to travelling allowance to Government servants taking short leave before joining a new post are " other rules " mentioned in paragraph 1 of G.O. No. 251, Finance, dated the 23rd April 1934. The special rules referred to in category (iii) above remain in force and persons governed by them do not come under the Madras Leave Rules, 1933, except to the extent indicated below.

II. The Government have considered the question of the difficulties that are likely to arise in the application of categories (ii) and (iii) of the rules mentioned above to persons governed by the Madras Leave Rules and have decided to issue the following detailed instructions to meet such difficulties :—

1. *Cases falling under category* (iii) *in paragraph I above*—(*a*) *Leave earned by part-time service.*—Subsidiary Rules under Fundamental Rule 103 (*c*) regulate the grant of leave to Law Officers and other part-time Government servants. Under these rules subject to condition that no extra cost is caused to Government, the above officers and Government servants may be granted leave not exceeding that admissible to full-time Government servants. The amount of leave admissible to persons appointed to these posts on or after 4th September 1933 will be that admissible to full-time Government servants under the Madras Leave Rules, 1933, subject to the existing condition that no extra cost is caused to Government by the grant of such leave. In such cases, the leave-salary will be governed by rule 28 of the Madras Leave Rules, 1933.

(*b*) *Military officers in civil employ.*—In the case of new entrants coming under Fundamental Rule 100, the limit of four months in clause (*a*) of the rule should be interpreted to mean only " earned leave not exceeding 120 days ", inclusive of the privilege leave which was due to the officer on the date on which he became subject to Fundamental Rule 100, and the provision contained in the provisos to rules 8 (i) and 8 (ii) of the Madras Leave Rules, 1933, would apply.

2. *Cases falling under category* (ii) *in paragraph I above*—(1) *Maternity Leave—Subsidiary Rules under Fundamental Rule* 101 (*a*).—(*a*) The term "leave on average pay " in Subsidiary Rule 1 shall be taken to mean " leave on full pay ".

(*b*) Subsidiary Rule 2 provides for the grant of any other kind of leave in continuation of maternity leave if the request for its grant is supported by a medical certificate. Similarly, in the case of persons coming under the Madras Leave Rules, 1933, the requirement of a medical certificate should be satisfied before leave is granted in continuation of maternity leave. There shall be no limit for combining earned leave or vacation with maternity leave provided that in cases where a Government servant is required to attend office during vacation immediately following maternity leave but is unable to attend, a medical certificate may be insisted at the discretion of the sanctioning authority.

(2) *Hospital leave.—Subsidiary Rules under Fundamental Rule* 101 (*b*).—Under Subsidiary Rule 3 under Fundamental Rule 101 (*b*) the leave-salary during

the hospital leave is "half average pay". In the application of these rules to persons coming under the Madras Leave Rules, "leave on half average pay" shall be taken to mean "leave on half pay".

(3) *Special disability leave—Fundamental Rules* 83, 83-A *and* 83 *B*—(*a*) *Fundamental Rule* 83.—The limit of four months laid down in sub-clause (*a*) of clause (7) of the rule shall be taken to mean "120 or 50 or 30 days as the case may be" and the term "average pay" shall be taken to mean "full pay".

In sub-clause (*b*) of clause 7 of the said rule the terms "half average pay" and "average pay" shall be taken to mean "half pay" and "full pay" respectively and the "period of average pay" to mean "earned leave". Half the amount of leave on full pay under the sub-clause shall be counted as earned leave taken for the purpose of Fundamental Rule 78 (*b*).

(*b*) *Fundamental Rule* 83-*A*—The term "four months" in clause (iii) of this rule shall be taken to mean "120 or 50 or 30 days as the case may be" and the term "average pay" to mean "full pay".

(*c*) *Fundamental Rule* 83-*B*.—In the case of officers governed by the Madras Leave Rules, 1933, the provisions contained in Fundamental Rule 83-B apply only to officers of non-Asiatic domicile recruited overseas for service in India and not to others.

(4) *Study leave rules under Fundamental Rule* 84—(*a*) *Rule* 11.—The term "extra leave on half average pay" occurring in this rule shall be taken to mean "extra leave on half pay", the term "amount of leave on half average pay" shall be taken to mean "amount of unearned leave" and the term "under the Fundamental Rules" shall be taken to mean "under the Madras Leave Rules".

(*b*) *Rule* 12.—During study leave, a Government servant shall draw half pay subject to the limits prescribed in the Madras Leave Rules. The term "leave on average pay" occurring for the second time in the rule shall be taken to mean "earned leave" under the Madras Leave Rules and the term "during the first four months of a period of leave on average pay" shown within brackets in this rule shall be taken to mean "earned leave not exceeding 120 days".

III. The following further instructions may be observed in regard to other rules in the Fundamental Rules and Subsidiary Rules mentioned below :—

(1) *Subsidiary Rule* 4 *under Fundamental Rule* 44.—The limit of four months laid down in this rule is based on the maximum limit of leave on average pay which can be taken under the ordinary leave rules in the Fundamental Rules. Earned leave under the Madras Leave Rules is subject to the maximum of 120 or 50 or 30 days and this limit should be substituted for the limit of four months in applying this rule to persons governed by the Madras Leave Rules.

(2) *Leave to apprentices.*—Subsidiary Rule 3 under Fundamental Rule 104 regulates the grant of leave to apprentices. In the application of this rule to persons coming under the Madras Leave Rules, 1933—

(*a*) The term "leave on leave-salary equivalent to half average pay" shall be taken to mean "leave on half pay".

(*b*) The term "Fundamental Rule 85" in sub-rule 3 (*b*) shall be taken to mean "Madras Leave Rule 16".

(3) *Fundamental Rules* 89 *and* 90.—Under the Madras Leave Rules, 1933, a maximum limit has been imposed as regards leave-salary drawn during leave on private affairs or on medical certificate—vide rule 28 (*b*) and maximum limits on leave-salary for earned leave exceeding 120 or 30 days, as the case may be. It has been considered unnecessary to give the benefit of a minimum leave-salary in regard to any kind of leave.

(4) *Fundamental Rule* 105 (*b*) (i) *and Subsidiary Rule* 9 *under Fundamental Rule* 106.—The term "leave on average pay of not more than four months' duration" in these rules shall be taken to mean "earned leave not exceeding 120 or 50 or 30 days as the case may be".

(5) *Fundamental Rule* 105 (*c*) *and Subsidiary Rule* 6 *under Fundamental Rule* 106.—The term "four months" mentioned in these rules shall be taken to mean "120 or 30 days as the case may be".

(6) *Fundamental Rule* 128.—The words "Chapters I to XI of these rules" in this rule shall be taken to mean "Chapters I to IX and XI of these rules and the Madras Leave Rules, 1933".

(7) *Note under Subsidiary Rule 4 under Fundamental Rule* 45.—The term "leave on average pay not exceeding four months" mentioned in this note shall be taken to mean "earned leave not exceeding 120 or 50 or 30 days as the case may be".

(8) *Travelling Allowance—Rule* 77.—The term "leave on average pay for a period not exceeding four months" shall be taken to mean "earned leave for a period not exceeding 120 or 50 or 30 days as the case may be."

(G.O. No. 74, Finance, dated 7th February 1935.)
[Finance Memo. No. 79699-C.S.R.-7, dated 1st April 1955.]

(9) In the case of persons employed in Government service after the War of 1939, service in any Government Civil Defence Service such as A.R.P., Fire Service, Rescue Service, Food Supplies, Evacuation Camps, Salvage, etc., shall count for leave, as with temporary Government servants, on the scale specified in rules 20–27 of the Madras Leave Rules, 1933, provided the persons concerned are re-employed without a break in regular Government service.

[G.O. Ms. No. 2766, Public (Civil Defence), dated 8th September 1942.]

(10) A Government servant governed by the Madras Leave Rules first elected to have his medical leave commuted into leave on full pay and after availing himself of the leave wished to have it changed into leave on half pay because he stood to gain by way of leave-salary and allowances, such as dearness allowance, etc., i. the entire period of medical leave had been granted on half pay. The Government have decided that it is not desirable to allow such revision of leave already availed of and that the option once exercised in such cases shall be final.

(G.O. No. 1303, Finance, dated 14th December 1949.)

## ANNEXURE IV.

### List of Ministerial Servants.

[*Vide* Note to Fundamental Rule 9 (17).]

*Forest Department.*

| | |
|---|---|
| Draughtsmen in the Conservators' and District Forest Officers' Offices. Tracers in the Forest Engineer's Office .. .. | G.O. Press No. 585, Development, dated 24th April 1923. |

*Irrigation Department.*

| | |
|---|---|
| Members of the Navigation establishment including Lock and Wharf establishments who hold posts the pay of which exceeds Rs. 20, and the Dam Superintendent, Assistant Dam Superintendent and Sluice Superintendent at Periyar are ministerial servants *for the purpose of Fundamental Rule* 56 (*a*). | G.O. Ms. No. 14-W., dated 5th January 1924. |

*General Administration.*

| | |
|---|---|
| English Head Accountants in Collectors' Offices | G.O. No. 1370, Revenue, dated 7th July 1937. |

*Judicial Department.*

| | |
|---|---|
| Nazirs .. .. .. .. .. .. .. Amins .. .. .. .. .. .. .. | G.O. Mis. No. 1984, Law (General), dated 24th June 1925. |

*Government Museum.*

| Post | Authority |
| --- | --- |
| Personal Assistant to the Superintendent .. .. | G.O. No. 669, Law (Education), dated 11th May 1924. |
| *Connemara Public Library.* | |
| Sub-Librarian .. .. .. .. .. .. | |
| Attendants .. .. .. .. .. .. | |
| *Education Department.* | |
| Librarians .. .. .. .. .. .. | |
| Store-keepers .. .. .. .. .. .. | |
| The Herbarium keeper and the Zoology Laboratory Assistant in the Presidency College, Madras. | |
| Pandits employed in the Government Oriental Manuscripts Library, Madras. | G.O. Mis. No. 1233, Law (Education), dated 3rd July 1926. |

*Medical Department.*

| Post | Authority |
| --- | --- |
| Store-keepers, Linen-keepers and Librarians .. | Letter No. 148-2, dated 21st April 1923, from the Director of Medical Services. |

*Agricultural Department.*

| Post | Authority |
| --- | --- |
| Artists .. .. .. .. .. .. .. | G.O. Press No. 585, Development, dated 24th April 1923. |
| Laboratory Attendants .. .. .. .. | |
| Setter .. .. .. .. .. .. .. | |
| Plant Collectors .. .. .. .. .. | |
| Museum Curator and Draughtsmen attached to the Government Agricultural Engineer. | |

*Cinchona Department.*

Store-keepers on Rs. 35—60.

*Industries Department.*

The services of the following men will be treated as ministerial (superior) only when the pay exceeds Rs. 20 per mensem :—

| Post | Authority |
| --- | --- |
| Draughtsmen .. .. .. .. .. .. | G.O. No. 668, Development, dated 12th May 1923. |
| Tracers .. .. .. .. .. .. .. | |
| Laboratory Attendants .. .. .. .. | |
| Store-keepers .. .. .. .. .. .. | |
| Bill Collectors .. .. .. .. .. .. | |

*Stationery and Printing—Government Presses.*

| Post | Authority |
| --- | --- |
| Computors .. .. .. .. .. .. | G.O. Mis No. 228, Finance, dated 31st March 1928. |
| Time-keepers .. .. .. .. .. .. | |
| Readers and Copyholders .. .. .. .. | |
| Foremen and Assistant Foremen .. .. .. | |
| Despatchers .. .. .. .. .. .. | |
| Overseer .. .. .. .. .. .. | |
| Attenders in superior service (despatch work) .. | |
| Warehousemen .. .. .. .. .. | G.O. Mis. No. 358, Finance dated 6th May 1929. |
| Pressmen, Machine minders, Layers-on and Form-carriers. | |
| Binders .. .. .. .. .. .. | |
| Rubber-stamp makers, Stereo and Electro typers, Engravers, Punch cutters, Dressers, Type casters and Finishers. | |
| Mechanics .. .. .. .. .. .. | |
| Head Electrician and Assistant Electrician .. | |
| Six salaried Compositors at Ootacamund .. .. | |
| Pieceworkers (permanent) .. .. .. .. | |
| Monotype caster attendants .. .. .. | G.O. Mis. No. 683, Finance, dated 20th October 1933. |
| Roller casters .. .. .. .. .. | |
| Composing machine operators .. .. .. | |

*Revenue Department.*

| Post | Authority |
| --- | --- |
| Shroffs in treasuries and sub-treasuries .. | G.O. Ms. No. 1532 Revenue, dated 15th July 1936. |

## ANNEXURE V.

### Leave Calculator.

[*See* ruling (2) under Fundamental Rule 77.]

| *Equivalents of 2/11ths of the units in column* (1). | | | | | | | *Equivalents of 5/22nds of the units in column* (1). | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Units.* | *Years.* | | | *Months.* | | *Days.* | *Units.* | *Years.* | | | *Months.* | | *Days.* |
| | Y. | M. | D. | M. | D. | D. | | Y. | M. | D. | M. | D. | D. |
| 1 | 0 | 2 | 5·45 | 0 | 5·45 | ·18 | 1 | 0 | 2 | 21·81 | 0 | 6·81 | ·22 |
| 2 | 0 | 4 | 10·90 | 0 | 10·90 | ·36 | 2 | 0 | 5 | 13·63 | 0 | 13·63 | ·45 |
| 3 | 0 | 6 | 16·36 | 0 | 16·36 | ·54 | 3 | 0 | 8 | 5·45 | 0 | 20·45 | ·68 |
| 4 | 0 | 8 | 21·81 | 0 | 21·81 | ·72 | 4 | 0 | 10 | 27·27 | 0 | 27·27 | ·90 |
| 5 | 0 | 10 | 27·27 | 0 | 27·27 | ·90 | 5 | 1 | 1 | 19·09 | 1 | 4·09 | 1·13 |
| 6 | 1 | 1 | 2·72 | 1 | 2·72 | 1·09 | 6 | 1 | 4 | 10·90 | 1 | 10·90 | 1·36 |
| 7 | 1 | 3 | 8·18 | 1 | 8·18 | 1·27 | 7 | 1 | 7 | 2·72 | 1 | 17·72 | 1·59 |
| 8 | 1 | 5 | 13·63 | 1 | 13·63 | 1·45 | 8 | 1 | 9 | 24·54 | 1 | 24·54 | 1·81 |
| 9 | 1 | 7 | 19·09 | 1 | 19·09 | 1·63 | 9 | 2 | 0 | 16·36 | 2 | 1·36 | 2·04 |
| 10 | 1 | 9 | 24·54 | 1 | 24·54 | 1·81 | 10 | 2 | 3 | 8·18 | 2 | 8·18 | 2·27 |
| 11 | 2 | 0 | 0·00 | 2 | 0·00 | 2·00 | 11 | 2 | 6 | 0·00 | 2 | 15·00 | 2·50 |
| 12 | 2 | 2 | 5·45 | 2 | 5·45 | 2·18 | 12 | 2 | 8 | 21·81 | 2 | 21·81 | 2·72 |
| 13 | 2 | 4 | 10·90 | .. | | 2·36 | 13 | 2 | 11 | 13·63 | .. | | 2·95 |
| 14 | 2 | 6 | 16·36 | .. | | 2·54 | 14 | 3 | 2 | 5·45 | .. | | 3·18 |
| 15 | 2 | 8 | 21·81 | .. | | 2·72 | 15 | 3 | 4 | 27·27 | .. | | 3·40 |
| 16 | 2 | 10 | 27·27 | .. | | 2·90 | 16 | 3 | 7 | 19·09 | .. | | 3·63 |
| 17 | 3 | 1 | 2·72 | .. | | 3·09 | 17 | 3 | 10 | 10·90 | .. | | 3·86 |
| 18 | 3 | 3 | 8·18 | .. | | 3·27 | 18 | 4 | 1 | 2·72 | .. | | 4·09 |
| 19 | 3 | 5 | 13·63 | .. | | 3·45 | 19 | 4 | 3 | 24·54 | .. | | 4·31 |
| 20 | 3 | 7 | 19·09 | .. | | 3·63 | 20 | 4 | 6 | 16·36 | .. | | 4·54 |
| 21 | 3 | 9 | 24·54 | .. | | 3·81 | 21 | 4 | 9 | 8·18 | .. | | 4·77 |
| 22 | 4 | 0 | 0·00 | .. | | 4·00 | 22 | 5 | 0 | 0·00 | .. | | 5·00 |
| 23 | 4 | 2 | 5·45 | .. | | 4·18 | 23 | 5 | 2 | 21·81 | .. | | 5·22 |
| 24 | 4 | 4 | 10·90 | .. | | 4·36 | 24 | 5 | 5 | 13·63 | .. | | 5·45 |
| 25 | 4 | 6 | 16·36 | .. | | 4·54 | 25 | 5 | 8 | 5·45 | .. | | 5·68 |
| 26 | 4 | 8 | 21·81 | .. | | 4·72 | 26 | 5 | 10 | 27·27 | .. | | 5·90 |
| 27 | 4 | 10 | 27·27 | .. | | 4·90 | 27 | 6 | 1 | 19·09 | .. | | 6·13 |
| 28 | 5 | 1 | 2·72 | .. | | 5·09 | 28 | 6 | 4 | 10·90 | .. | | 6·36 |
| 29 | 5 | 3 | 8·18 | .. | | 5·27 | 29 | 6 | 7 | 2·72 | .. | | 6·59 |
| 30 | 5 | 5 | 13·63 | .. | | 5·45 | 30 | 6 | 9 | 24·54 | .. | | 6·81 |

*Examples.*—To find leave earned by duty of 5 years, 9 months and 17 days.

| | Y. | M. | D. | DECIMALS. | | Y. | M. | D. | DECIMALS. |
|---|---|---|---|---|---|---|---|---|---|
| (I) 5/22nds 5 Y. | 1 | 1 | 19·09 | | (II) 2/11ths 5 Y. | 0 | 10 | 27·27 | |
| 9 M. | 0 | 2 | 1·36 | | 9 M. | 0 | 1 | 19·09 | |
| 17 D. | 0 | 0 | 3·86 | | 17 D. | 0 | 0 | 3·09 | |
| Total .. | 1 | 3 | 24·31 | or 1 y. 3 m. 24 d. | Total .. | 1 | 0 | 19·45 | or 1 y. 0 m. 19d. |

(III) 1/11th—Half of (II) above, *i.e.*, 0 y. 6 m. 10 d.

*N.B.*—Fraction of a day if less than one-half should be omitted, and one-half or more should be rounded off to one day.

## ANNEXURE V-A.

### Ready Reckoner for calculating leave of persons governed by the Madras Leave Rules, 1933.

TABLE I.

| *January.* | *February.* | *March* | *April.* | *May.* | *June.* | *July.* | *August.* | *September.* | *October.* | *November.* | *December.* |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 32 | 60 | 91 | 121 | 152 | 182 | 213 | 244 | 274 | 305 | 335 |
| 2 | 33 | 61 | 92 | 122 | 153 | 183 | 214 | 245 | 275 | 306 | 336 |
| 3 | 34 | 62 | 93 | 123 | 154 | 184 | 215 | 246 | 276 | 307 | 337 |
| 4 | 35 | 63 | 94 | 124 | 155 | 185 | 216 | 247 | 277 | 308 | 338 |
| 5 | 36 | 64 | 95 | 125 | 156 | 186 | 217 | 248 | 278 | 309 | 339 |
| 6 | 37 | 65 | 96 | 126 | 157 | 187 | 218 | 249 | 279 | 310 | 340 |
| 7 | 38 | 66 | 97 | 127 | 158 | 188 | 219 | 250 | 280 | 311 | 341 |
| 8 | 39 | 67 | 98 | 128 | 159 | 189 | 220 | 251 | 281 | 312 | 342 |
| 9 | 40 | 68 | 99 | 129 | 160 | 190 | 221 | 252 | 282 | 313 | 343 |
| 10 | 41 | 69 | 100 | 130 | 161 | 191 | 222 | 253 | 283 | 314 | 344 |
| 11 | 42 | 70 | 101 | 131 | 162 | 192 | 223 | 254 | 284 | 315 | 345 |
| 12 | 43 | 71 | 102 | 132 | 163 | 193 | 224 | 255 | 285 | 316 | 346 |
| 13 | 44 | 72 | 103 | 133 | 164 | 194 | 225 | 256 | 286 | 317 | 347 |
| 14 | 45 | 73 | 104 | 134 | 165 | 195 | 226 | 257 | 287 | 318 | 348 |
| 15 | 46 | 74 | 105 | 135 | 166 | 196 | 227 | 258 | 288 | 319 | 349 |
| 16 | 47 | 75 | 106 | 136 | 167 | 197 | 228 | 259 | 289 | 320 | 350 |
| 17 | 48 | 76 | 107 | 137 | 168 | 198 | 229 | 260 | 290 | 321 | 351 |
| 18 | 49 | 77 | 108 | 138 | 169 | 199 | 230 | 261 | 291 | 322 | 352 |
| 19 | 50 | 78 | 109 | 139 | 170 | 200 | 231 | 262 | 292 | 323 | 353 |
| 20 | 51 | 79 | 110 | 140 | 171 | 201 | 232 | 263 | 293 | 324 | 354 |
| 21 | 52 | 80 | 111 | 141 | 172 | 202 | 233 | 264 | 294 | 325 | 355 |
| 22 | 53 | 81 | 112 | 142 | 173 | 203 | 234 | 265 | 295 | 326 | 356 |
| 23 | 54 | 82 | 113 | 143 | 174 | 204 | 235 | 266 | 296 | 327 | 357 |
| 24 | 55 | 83 | 114 | 144 | 175 | 205 | 236 | 267 | 297 | 328 | 358 |
| 25 | 56 | 84 | 115 | 145 | 176 | 206 | 237 | 268 | 298 | 329 | 359 |
| 26 | 57 | 85 | 116 | 146 | 177 | 207 | 238 | 269 | 299 | 330 | 360 |
| 27 | 58 | 86 | 117 | 147 | 178 | 208 | 239 | 270 | 300 | 331 | 361 |
| 28 | 59 | 87 | 118 | 148 | 179 | 209 | 240 | 271 | 301 | 332 | 362 |
| 29 | | 88 | 119 | 149 | 180 | 210 | 241 | 272 | 302 | 333 | 363 |
| 30 | | 89 | 120 | 150 | 181 | 211 | 242 | 273 | 303 | 334 | 364 |
| 31 | | 90 | | 151 | | 212 | 243 | | 304 | | 365 |

*N.B.*—In a leap year, for any period beginning in and ending after February, add 1.

TABLE II.

At 1/11.

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 6–16 | 1 | 116–126 | 11 | 226–236 | 21 | 336–346 | 31 | 446–456 | 41 | 556–566 | 51 | 666–676 | 61 | 776–786 | 71 | 886–896 | 81 |
| 17–27 | 2 | 127–137 | 12 | 237–247 | 22 | 347–357 | 32 | 457–467 | 42 | 567–577 | 52 | 677–687 | 62 | 787–797 | 72 | 897–907 | 82 |
| 28–3 | 3 | 138–148 | 13 | 248–258 | 23 | 358–368 | 33 | 468–478 | 43 | 578–588 | 53 | 688–698 | 63 | 798–808 | 73 | 908–918 | 83 |
| 39–49 | 4 | 149–159 | 14 | 259–269 | 24 | 369–379 | 34 | 479–489 | 44 | 589–599 | 54 | 699–709 | 64 | 809–819 | 74 | 919–929 | 84 |
| 50–60 | 5 | 160–170 | 15 | 270–280 | 25 | 380–390 | 35 | 490–500 | 45 | 600–610 | 55 | 710–720 | 65 | 820–830 | 75 | 930–940 | 85 |
| 61–71 | 6 | 171–181 | 16 | 281–291 | 26 | 391–401 | 36 | 501–511 | 46 | 611–621 | 56 | 721–731 | 66 | 831–841 | 76 | 941–951 | 86 |
| 72–82 | 7 | 182–192 | 17 | 292–302 | 27 | 402–412 | 37 | 512–522 | 47 | 622–632 | 57 | 732–742 | 67 | 842–852 | 77 | 952–962 | 87 |
| 83–93 | 8 | 193–203 | 18 | 303–313 | 28 | 413–423 | 38 | 523–533 | 48 | 633–643 | 58 | 743–753 | 68 | 853–863 | 78 | 963–973 | 88 |
| 94–104 | 9 | 204–214 | 19 | 314–324 | 29 | 424–434 | 39 | 534–544 | 49 | 644–654 | 59 | 754–764 | 69 | 864–874 | 79 | 974–984 | 89 |
| 105–115 | 10 | 215–225 | 20 | 325–335 | 30 | 435–445 | 40 | 545–555 | 50 | 655–665 | 60 | 765–775 | 70 | 875–885 | 80 | 985–905 | |

TABLE III.

At 1/22.

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 11 | | 121 | | 231 | | 341 | | 451 | | 561 | |
| | 1 | | 6 | | 11 | | 16 | | 21 | | 26 |
| 32 | | 142 | | 252 | | 362 | | 472 | | 582 | |
| 33 | | 143 | | 253 | | 363 | | 473 | | 583 | |
| | 2 | | 7 | | 12 | | 17 | | 22 | | 27 |
| 54 | | 164 | | 274 | | 384 | | 494 | | 604 | |
| 55 | | 165 | | 275 | | 385 | | 495 | | 605 | |
| | 3 | | 8 | | 13 | | 18 | | 23 | | 28 |
| 76 | | 186 | | 296 | | 406 | | 516 | | 626 | |
| 77 | | 187 | | 297 | | 407 | | 517 | | 627 | |
| | 4 | | 9 | | 14 | | 19 | | 24 | | 29 |
| 98 | | 208 | | 318 | | 428 | | 538 | | 648 | |
| 99 | | 209 | | 319 | | 429 | | 539 | | 649 | |
| | 5 | | 10 | | 15 | | 20 | | 25 | | 30 |
| 120 | | 230 | | 340 | | 450 | | 560 | | 670 | |

*Examples*—(1) 8th *April* 1952 *to* 16*th December* 1952.—In Table I, the number in the horizontal line against 16 and in the column under December is 350 and the number in the horizontal line against 7 and in the column under April is 97. The difference between these two numbers is 253 which is the number of days during the period 8th April 1952 to 16th December 1952. The figure 23 against the group 248 to 258 in Table II and the figure 12 against the group 253 to 274 in Table III represent the number of days of leave earned.

(2) 8*th April* 1951 *to* 16*th December* 1952.—Split the period into 8th April 1951 to 7th April 1952 and 8th April 1952 to 16th December 1952. The number of days during the first period is 366. Then proceed as in example (1) above.

(G.O. No. 605, Finance, dated 17th April 1953.)

## ANNEXURE VI.

[*See* ruling under Rule 59.]

### Model leave terms for officers engaged on contract.

RULES ISSUED BY THE MADRAS GOVERNMENT FOR GRANT OF LEAVE TO OFFICERS ENGAGED ON CONTRACT AFTER 5TH JULY 1935.

*Leave terms for contract officers.*

1. When the contract is for two years or less, leave on full pay limited to one-twenty-second of the period spent on duty.

If the officer serves in a vacation department, no leave will be admissible but he may be granted, if absolutely necessary, leave on medical certificate on half pay to the extent of one-twenty-second of the period spent on duty.

2. When the contract is for more than two years, but not more than five years, leave may be allowed as follows:—

(i) Leave on full pay limited to one-eleventh of the period spent on duty and leave on half pay on medical certificate limited to 15 days for every year of the period of contract. Three months' extraordinary leave without pay may also be granted in addition.

(ii) If the officer is in a vacation department, leave on full pay shall be inadmissible. Such leave may, however, be allowed in respect of any year in which he has not availed himself of any part of a vacation, and if a part only of the vacation has been taken in any year, the period of leave on full pay will be reduced by a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.

3. Where the contract is for a longer term than five years or an original contract for five years or less is extended so as to make the total period of contract longer than five years, leave admissible to a permanent Government servant under the Madras Leave Rules, 1933, may be allowed subject to the following restrictions:—

(a) Leave on half average pay on private affairs will not be granted to an officer on contract whose total service under Government does not exceed ten years. Such leave may be granted up to three months in all to an officer whose total service is more than ten years and up to six months in all to an officer whose total service is more than twenty years.

(b) Leave on half pay on medical certificate will be subject to a limit calculated at fifteen days for every year of the period of contract.

In the case of extension of contract to a period longer than five years, the officer will be credited with the earned leave that would have been admissible had the contract been initially one of more than five years diminished by any earned leave already taken and leave on medical certificate, if any, already taken, will count against the limit prescribed in (b) above.

In the case of an officer who, on the completion of his original contract for whatever term, is taken into permanent employment and becomes subject to the Madras Leave Rules, 1933, the leave already taken by him will count against the periods of leave admissible to him under the Madras Leave Rules.

4. Leave may be granted after the expiry of the contract only where it has been applied for during the period of contract and refused by the prescribed or competent authority owing to the exigencies of the public service.

An officer whose services are dispensed with on grounds of ill health shall be permitted to take all earned leave due to him before his service is terminated.

(G.O. No. 423, Finance, dated 5th July 1935.)

## RULINGS.

(1) An officer whose contract is for two years or less shall cease to earn leave while he has to his credit leave amounting to 30 days. In the case of an officer whose contract is for more than two years but not more than five years, he can earn leave up to the limit of 90 days. In a case where the original contract is for two years or less and is later on extended as to make it more than two years but not more than five years, the officer shall be credited with the earned leave that would have been admissible had the contract been initially one of more than two years but not more than five years diminished by any earned leave already taken.

(2) Where an officer, whose contract exceeds two years, is appointed as a regular probationer in a State service, the leave at credit shall be worked out at the rate of 1/22nd of duty from the date from which he is appointed as a probationer in Government service even though he may have been allowed to earn leave at 1/11th of duty up to the date of regular appointment.

There is, however, no restriction in regard to the amount of leave on half pay on medical certificate that can be granted to a contract officer at any one time.

(3) The benefit of additional accumulation of leave, sanctioned in G.O. No. 1070, Finance, dated 8th October 1945, is not admissible to contract officers.

(G.O. No. 320, Finance, dated 16th March 1950.)

(4) When a contract officer is appointed as a regular probatoiner in Government service, the earned leave to his credit on the last day of his contract period shall be credited to his leave account, subject to a maximum of thirty days.

(Finance Memo. No. 15792/C.S.R.-56-2, dated 19th March 1956.)

## ANNEXURE VII.

### Executive Instructions regarding Casual Leave.

[*See* ruling (4) under Rule 85.]

## I. ORDINARY CASUAL LEAVE.

Casual leave is not provided for in the Fundamental Rules and is a concession to enable Government servants in special circumstances to be absent from duty for short periods without such absence being treated as leave under the Fundamental Rules.

2. No Government servant may in any case be absent on casual leave for more than fifteen days in the course of one calendar year. Casual leave may be combined with Sundays or other authorized holidays provided that the resulting period of absence from duty does not exceed ten days. The fact that a maximum has been fixed for the amount of casual leave which may be taken within a year, does not mean that an officer is entitled to take the full amount of casual leave as a matter of course.

*Note.*—Agency officers are permitted to add to the amount of casual leave taken by them from time to time, the length of time that is required to enable them to reach the nearest plains station and to return therefrom to their headquarters. The Agency Commissioner, Waltair, will fix the time to be allowed in the case of each agency station taking into consideration the most rapid means of travel that an officer can be expected to employ.

(G.O. Ms. No. 1649, Revenue, dated 20th July 1921.)

3. Heads of departments should intimate their intention of taking casual leave to Government in the department concerned.

4. A register of casual leave taken should be maintained in every office.

5. Members of works establishment may be granted casual leave on full pay or on reduced wages.

6. Menial servants paid from contingencies whose service is non-pensionable may be granted such casual leave as would be given to private servants, the ordinary limits of ten or fifteen days not being applicable.

## II. SPECIAL CASUAL LEAVE.

7. (*a*) Special casual leave not counting against ordinary casual leave may be granted to a Government servant in the following circumstances:—

(i) When he is detained in a plague camp on the way to rejoin duty.

(ii) When he is ordered by the head of his office to absent himself from duty on the certificate of a medical officer on account of the presence of infectious disease in his house, provided no substitute is appointed and no extra cost to Government is involved. If, however, a substitute is necessary, ordinary leave debitable to the leave account of the Government servant should be granted. The grant of special casual leave involving the appointment of substitute in all other cases requires the sanction of Government, which will be accorded only when the absence is for less than 30 days and the subordinate concerned draws a pay of less than Rs. 100 per mensem, and has no ordinary leave to his credit.

*Note.*—(1) When the Government servant himself catches the infection, regular leave under the Fundamental Rules must be taken for the period of absence.

(2) The following diseases are treated as infectious diseases for the purpose of the grant of special casual leave—

(1) Smallpox.
(2) Chickenpox.
(3) Plague.
(4) Cholera.
(5) Typhoid.
(6) Acute Influenza pneumonia.
(7) Diptheria.
(8) Cerebro-spinal meningitis.

Leave under this head shall not ordinarily be granted for a period exceeding 21 days but in exceptional cases, it may be granted up to thirty days.

(G.O. No. 225, dated 6th April 1936-M.G., Finance, Memo. No. 26125-C.S.R.-2, dated 31st October 1936.)

(3) In the case of chickenpox, special casual leave should not be sanctioned unless the Health Officer responsible considers that because of doubt as to the true nature of the disease, for example smallpox, there is reason for the grant of such leave.

(G.O. No. 292, Finance, dated 7th August 1937.)

(4) Power has been delegated to the District Medical Officers, Civil Surgeons in charge of independent stations, Superintendents of Hospitals and Principals of Medical Colleges, Director, King Institute, Guindy, and Chemical Examiner to grant special casual leave in respect of non-medical staff under their control.

(G.O. Ms. No. 75, P.H., dated 8th January 1946.)

(5) Special casual leave for one day may be granted to last grade Government servants and menials temporarily incapacitated on account of typhoid and cholera inoculation.

(G.O. No. 799, Finance, dated 30th October 1946.)

(iii) When he is summoned to serve as a juror or assessor or to give evidence before a Court in the Indian Union or Foreign Territory as a witness in civil and criminal cases in which his private interests are not in issue; the leave to cover the total period of absence necessary.

(iv) When, with the permission of the Director of Medical Services, a medical officer is absent from his headquarters on business connected with the Universities, the leave to cover the total period of absence necessary.

(G.O. Ms. No. 870, Finance, dated 18th November 1926, G.O. No. 920, P.H., dated 5th April 1934, and G.O. No. 2090, P.H., dated 5th September 1934.)

*Note.*—(1) In the case of medical officers serving on their own accord as examiners in the Universities of other States, the period of their absence from duty should be treated as regular leave and not as special casual leave.

This does not apply to medical officers who, at the special request of the Government of India or State Governments, are deputed by the Government to undertake work on behalf of Universities outside the State.

(G.O. No. 812, P.H., dated 4th April 1930.)

(2) The period during which medical officers are absent with the permission of the Director of Medical Services from their headquarters in order to attend the meetings of the Madras Medical Council should be treated as special casual leave.

[G.O. No. 110-P.H. (L.S.G.), dated 16th January 1934.]

(v) In regard to the casual leave admissible to persons proceeding for antirabic treatment—*see* paragraph 3 (iii) of Appendix 18, Madras Financial Code, Volume II.

*Note.*—The piecework establishment in the Government Press, Madras, are not ordinarily entitled to wages for the days on which they do not work. The following are, however, exceptions to this rule :—

(i) Payment of leave allowances to the extent provided for in the rules issued with G.O. No. 310, Finance, dated 10th May 1934.

(ii) Average wages during the period of special casual leave.

(Finance Memo. No. 23163-Pen.-1, dated 15th August 1935, and No. 3880-Pen.-1, dated 29th November 1935.)

(*b*) In the cases coming under clauses (i) to (iv) above when the absence from duty exceeds the period which may reasonably be treated as casual leave under the discretion vested in the head of the office, the Government servant may be granted for the entire period of absence such regular leave with leave-salary as may be due to him and thereafter extraordinary leave. In the cases coming under clause (v), the excess over one month of the period of absence should be treated as regular leave and debited to the leave account.

(*c*) (1) Special casual leave may be allowed to a Government servant participating in sporting events for a period not exceeding 30 days in a calendar year. The period of absence in excess of 30 days shall be treated as regular leave of the kind admissible under the relevant rules applicable to the persons concerned. For this purpose, Government servants may, as a special case, be permitted to combine special casual leave with regular leave but not with regular casual leave.

(2) The purposes for which and the conditions under which special casual leave may be granted are indicated below. The special casual leave may be allowed only—

(*a*) for participating in sporting events of national or international importance; and

(*b*) when the Government servant concerned is selected for such participation—

(i) in respect of inter-national sporting events by any one of the following organizations as a member of a team which is accepted as representative on behalf of India:—

1. The All-India Foot-Ball Federation.
2. The Indian Hockey Federation.
3. The Board of Control for Cricket in India.
4. The Indian Olympic Association.
5. The All-India Lawn Tennis Association.

6. The All-India Badminton Association.
7. The Table-Tennis Federation of India.
8. The All-India Women's Hockey Association.

*or*

(ii) in respect of events of national importance when the sporting event, in which participation takes place, is held on an Inter-State, Inter-Zonal or Inter-Circle basis, and the Government servant concerned takes part in the event in a team as a duly nominated representative on behalf of the State, Zone or Circle, as the case may be.

(3) The concession shall not be allowed for participation either in a national or inter-national sporting event which the Government servant concerned participates in his personal capacity and not in a representative capacity.

(Finance Memo. No. 37987-C.S.R.-2, dated 23rd May 1955.)

8. Casual leave cannot ordinarily be taken in combination with any leave recognized by the Fundamental Rules, with joining time or with vacation. Heads of departments may, however, sanction such combination in special cases provided there is no evasion of the rules, for instance, when an officer, obliged to be absent owing to the prevalence of infectious disease in his house and placed on special casual leave, himself contracts the illness and has to be granted regular leave in continuation.

(G.O. No. 406, Finance, dated 7th May 1923, and G.O. No. 51, Finance, dated 19th January 1926.)

*Note.*—When a period of special casual leave is recommended by the Health Officer and it intervenes two spells of leave under the Fundamental Rules, special casual leave may be combined with the regular le ve.

(Home Department Memo. No. 45561-A-45-2, dated 2nd January 1946.)

9. The grant to a Government servant of casual leave other than special casual leave or of permission to avail himself of holidays should not ordinarily result in any appreciable extra expenditure to the Government. Care should be taken to see that no Government servant is allowed to proceed on casual leave or avail himself of holidays frequently if he has actually to be relieved on such occasions and the payment of travelling allowance to another officer thereby becomes necessary.

(G.O. No. 104, Finance, dated 11th April 1940.)

10. Probationary Sub-Inspectors of Police should be allowed as a special case special casual leave not exceeding six days in addition to the usual casual leave admissible to them during their training year before they proceed to join the district in which they have to serve. This extra casual leave should not be debited to their ordinary casual leave account.

(G.O. No. 1014, Home, dated 29th March 1945.)

## ANNEXURE VIII.

### Statutory Service Rules.

1. Wherever a continuous period of duty is prescribed as probation in the service rules framed by the Madras Government, leave taken by a probationer constitutes a break in the continuity of probation. For example, in the case of a member of a Revenue Subordinate Service who is on probation in a post in the Madras Civil Service (Executive Branch) and who takes leave before the completion of a continuous period of two years on duty, the period for which he should be on probation will be a total period of three years on duty out of a continuous period of four years—*vide* Rule 6 (ii) of the special rules relating to the Madras Civil Service (Executive Branch).

2. The period of joining time availed of by a probationer on return from leave should be counted towards the prescribed period of probation if, but for the leave, he would have continue to officiate in the post to which he was appointed.

[G.O. No. 1443, Public (Services), dated 10th July 1941.]

3. In connexion with a question which arose as to how the imposition of the penalty of reduction to a lower post or time-scale specified in rule 49 (iii) of the Civil Services (Classification, Control and Appeal) Rules or in rule 3 (iii) of the rules published with the Home Department Notification No. 9-19/30-Ests., dated the 27th February 1932, would affect the seniority, etc., of the punished Government servant on re promotion to the original post or time-scale, the Government of India have decided as follows:—

(1) While reduction of seniority as an independent penalty not provided for in the rules, cannot be imposed as such, the loss of seniority as a result of an order of reduction to a lower post or time-scale, being inherent in the order of reduction, cannot be avoided;

(2) The seniority on repromotion of an officer reduced to a lower post or time-scale should be determined by the date of such repromotion. He should not be restored to his original position unless this is specifically laid down at the time the order of punishment is passed or revised on appeal;

(3) An officer in respect of whom the penalty referred to was imposed will, on repromotion, count previous service in the higher grade under Fundamental Rule 22 unless the order of punishment or the order passed on appeal directs otherwise; and

(4) An order debarring an officer from counting his past service in the grade from which he is reduced, if and when reappointed to it, amounts to an order of reduction to a stage of that grade lower than that admissible under Fundamental Rule 22; and does not, therefore, fall outside the scope of rule 49 (iii) of the Classification Rules or rule 3 (iii) of the rules published with the Home Department notification referred to above.

(Government of India, Home Department, letter No. 9/41-Ests., dated 18th March 1941.)

### Retrospective promotions and reversions under the statutory Services Rules.

4. Promotions made otherwise than in accordance with the provisions of the statutory services rules are illegal. Such promotions, if already made, should be set aside and the persons promoted should be reverted with effect from the dates on which they had been promoted and the excess pay drawn by them should be recovered (unless the amount is waived by Government). Government do not, however, consider that the consequential vacancies should be filled with retrospective effect from the dates of reversion of those who had been promoted otherwise than in accordance with rules. They have, therefore, decided that these vacancies should be filled only from the dates on which the promotions are actually made.

(G.O. Press No. 847, dated 27th May 1935.)

5. If an approved probationer in a higher category is confirmed therein with retrospective effect under Rule 31 (*a*) of the General Rules for Subordinate Services, he becomes entitled to the pay of the post in the higher category with effect from the date of confirmation, even though officiating allowance was not admissible from his original substantive post in the lower category to the post in the higher category.

[Public (Services) Department Memo. No. 40474-38-3, dated 18th January 1938.]

6. Under the proviso to Article 309 of the Constitution of India, the Governor of Madras considers that the conditions of service of Ghat Talayaris employed in the Police Department for guarding the roads in certain districts are matters not suitable for regulation by rule.

[G.O. Ms. No. 617, Public (Services), dated 20th March 1940.]

7. When any promotion has to be cancelled and a revised promotion made, the revised promotion shall not, so far as pay is concerned, be ordered to take effect from a date earlier than the date on which it is ordered.

[G.O. No. 1127, Public (Services), dated 7th June 1940.]

8. The duties performed by a peon when enrolled in any branch of the Defence Services may be considered similar to those of a peon in the Madras Last Grade Service and such a peon should be allowed to count towards his probation in the Madras Last Grade Service any period spent on duty in the Defence Services.

[G.O. Ms. No. 992, Revenue, dated 11th April 1942, and Endorsement No. 74 (O)/42-1, Public (Services), dated 9th May 1942.]

9. A case occurred in which an officer who was appointed temporarily to a post in 1934 under the emergency provision and later appointed regularly in about 1939 petitioned the Government in 1944 (i.e., 10 years later) for the regularization of his temporary appointment under rule 23 (*a*) of the general rules for the State and Subordinate Services. It has been decided that a convention be established that appointing authorities should refuse to reopen such questions unless the person aggrieved complains within three years of his becoming aware of the facts.

[Memorandum No. 17344/44-2, Public (Services), dated 3rd June 1944.]

10. *Rule* 10 (*b*) *of the Madras State and Subordinate Services Rules.*—The fact that General Rule 10 (*b*) does not specifically make any reference to ' special pay ' indicates that it contemplates no restriction in regard to admissibility of special pay to persons appointed under the emergency provisions.

[Memorandum No. 2064/48-2, Public (Services), dated 5th July 1948.]

# INDEX.

*N.B.*—This index has been compiled solely for the purpose of assisting reference. No expression used in it should be considered in any way as interpreting the rule. The abbreviations represent—

A. = Annexure. D. = Delegation. F.R. = Fundamental Rule. In. = Instruction. N. = Note. Sch. = Schedule. S.R. = Subsidiary Rule. S.D. = Subsidiary Definition.


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